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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Serbia

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I. Methodology

1. This Report was made in accordance with Directives contained in the Decision 17/119 of the Human Rights Council of July 19, 2011, which accompanies the UN Human Rights Council Resolution 16/21 (A/HRC/DEC/17/119).

2. All Ministries, the Parliamentary Committee on Human and Minority Rights and Gender Equality, and other relevant bodies took part in the drafting of the Report. The Office for Human and Minority Rights of the Republic of Serbia coordinated the process.

3. Consultations were held with independent state bodies and three consultative meetings with civil society organizations (CSO) took place during the drafting of the Report; following their recommendations and comments, a Draft Report was forwarded to them[1].

4. The Office of the UN High Commissioner for Human Rights and the OSCE Mission to Serbia provided significant support to the drafting of the Report.

5. Having in mind that in pursuance of UN Security Council Resolution 1244 (1999), the Autonomous Province of Kosovo and Metohija is under the administration of the United Nations Interim Administration Mission in Kosovo (UNMIK), the Republic of Serbia is not able to ensure the implementation of international agreements and human rights standards in this part of its territory. In keeping with the above-mentioned Resolution, UNMIK is in charge of promotion and protection of human rights in the territory of Kosovo and Metohija. When submitting reports on the implementation of ratified UN conventions, the Republic of Serbia has always called on UNMIK to submit reports to relevant bodies on the implementation of standards under the conventions in force in Kosovo and Metohija.

6. The Draft Report was published on the Internet page of the Office for Human and Minority Rights so that all interested parties could submit their proposals and objections. The Report was presented in October 2017 at a session of the Council for Implementation of the Recommendations of the UN Human Rights Mechanisms. In addition to Council members, all relevant actors were invited to attend the session.

II. Development of normative and institutional framework for improvement and protection of human rights since 2013

7. The Republic of Serbia is a candidate country for membership of the European Union. As a segment of comprehensive reforms, particular attention is paid to promoting the rule of law and human rights protection. The legal framework is being reformed in order to comply with the *acquis communautaire* of the EU, to strengthen institutional capacities, media freedoms and to improve the respect for human rights.

8. Within the process of its EU accession, the state has opened the negotiations on Chapter 23: Judiciary and fundamental rights. The implementation of the Action Plan for Chapter 23 is being overseen and regular reports are submitted to the European Commission on measures and activities undertaken by the Serbian Government.

A. Normative and strategic framework

9. Since the second cycle of the Universal Periodic Review (hereinafter referred to as the UPR), a number of international human rights instruments have been ratified: the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (2015), the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (2013), the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (2013), an amendment to Article 20, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against

Women (2014); Protocol No.15 amending the European Convention for the Protection of Human Rights and Fundamental Freedoms (2015).

10. Since the second cycle of the UPR, a number of laws and strategies have been enacted with a view to improvement and protection of human rights[2]. In keeping with the Action Plan for the Implementation of the Strategy of Public Administration Reform, a human resources management policy framework has been developed so that the state administration could take account of the respect for human rights and implementation of principles concerning gender equality, protection of the rights of national minorities, persons with disabilities and other vulnerable groups.

B. Institutional framework

11. The National Assembly, as the highest legislative body, is carrying out its activities in the field of human and minority rights through its Committee on Human and Minority Rights and Gender Equality.

12. There are departments within the Ministries and Government offices dealing with monitoring and protecting human rights, particularly of the vulnerable population, or with improving the status of vulnerable social groups.

13. A Special Department of Demography and Population Policy was established by the Government in 2016. The Republic Agency for Peaceful Settlement of Labour Disputes and the Republic Secretariat for Public Policies were created.

14. In keeping with the recommendations made in the second cycle of the Universal Periodic Review, on December 19, 2014 the Government formed the Council for Implementation of the Recommendations of the UN Human Rights Mechanisms.

15. In addition to the existing bodies, the Council for Implementation of the Action Plan for the Implementation of the Strategy for the Prevention of and Protection against Discrimination; the Population Policy Council; the Council for the Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion; the National Minority Council and the Council for Preventing Domestic Violence have also been established.

16. In keeping with Article 10 of the Istanbul Convention, the Republic of Serbia Government set up the Coordination Body for Gender Equality on October 30, 2014, tasked with reviewing all issues and coordinating the operations of state administration bodies in the field of gender equality.

17. The Coordination Body Overseeing the Implementation of the Strategy for Roma Inclusion, which coordinates operations of state bodies in the field of Roma inclusion, has also been formed.

III. Promotion and protection of human rights in practice: meeting international obligations in the human rights field

18. Progress has been made in protecting and improving gender equality, the status of Roma, people with disabilities, LGBT persons, migrants, refugees and national minorities.

19. In addition to putting in place an appropriate legal and strategic framework prohibiting discrimination, new mechanisms have been established, interdepartmental cooperation and coordination with civil society has been reinforced.

20. Areas which need additional efforts pertain to appropriate enforcement of laws and primarily to reducing domestic violence. A number of new laws and strategies are expected to be enacted[3].

21. Human Rights of Serbs and other ethnic communities in Kosovo and Metohija are violated institutionally, at legislative, judicial and administration level, as well as through individual arbitrary acts. In practice, relevant legislation and strategies of the Provisional

institutions of local self-government concerning human rights are not implemented equally for all. We particularly emphasize violations of the following rights: the right to life, the right to safety, to return of internally displaced persons, free choice of a place of living, unhindered participation in political life, unhindered disposal of private property, freedom of religion and safe access to churches and places of worship, the use of one's mother tongue, the use of textbooks and books in one's own language, presumption of innocence, protection from arbitrary police powers, right to justice for families of war crime victims, and all other related rights.

IV. Implementation of accepted recommendations from the 2nd cycle of the Universal Periodic Review

A. A Review of approval of international human rights instruments (Recommendations Nos. 131.1; 131.2; 132.1; 133.2)

22. Serbia has ratified a number of international instruments in the human rights field between the two reporting periods[4].

23. A proposal for ratification of the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families was reviewed. Having in mind that the implementation of this Convention would call for significant financial resources, it was estimated that it cannot be ratified at this time.

24. The Republic of Serbia has signed a Decent Work Programme with the International Labour Organization for the period 2013–2017.

25. The Convention of the International Labour Organization No. 189 was not identified as a priority, so that the ratification of this Convention is planned for the period after 2017.

B. National plan for human rights (Recommendation No. 131.11)

26. In the context of the process of accession to the EU, the Republic of Serbia adopted in April 2016 the Action Plan for the Negotiation Chapter 23: Judiciary and fundamental rights, which is a strategic document in the field of protection and improvement of human rights and which defines public policies in this field, and the implementation, coordination, deadlines and the funding for reforms have been significantly improved. Crucial measures aimed at establishing an independent, unbiased, responsible, professional and efficient judiciary are being implemented, as well as measures aimed at prosecuting war crimes, a set of anti-corruption measures, measures banning torture, inhuman or degrading treatment or punishment and discrimination, measures for protection of vulnerable groups, protection of rights of national minorities, etc. More than 700 activities for the implementation of these measures are planned.

27. Human resources in the state administration have improved through the training on the monitoring of the implementation of national policies, laws, strategies and action plans at the local level. Capacities in local self-governance units and civil society organizations have also been strengthened.

C. National mechanism for reporting on and monitoring human rights (Recommendations Nos. 131.4; 131.5)

28. In 2014, the Government formed the Council for Implementation of the Recommendations of the UN Human Rights Mechanisms with the aim of monitoring the implementation of recommendations in a more efficient way, improving inter-sector cooperation on their implementation and strengthening cooperation with UN mechanisms.

29. The Council has drafted a plan for the implementation of recommendations of the UN Mechanisms for Human Rights Protection which includes a status, goals, timelines and designated implementing bodies.

30. Key principles in the work of the Council are inclusion (inclusion in its work of all relevant actors[5]) and transparency (openness and honesty in the process). The Council is a forum for discussion and it provides for improving communication and cooperation within the executive authority, but also between the executive authority and other actors.

31. With the aim of overseeing the implementation of recommendations, contact persons who have received appropriate trainings, have been appointed by their respective departments to participate in the work of the Council.

32. The Council has concluded cooperation agreements with nine civil society organizations.

D. Cooperation with UN treaty bodies (Recommendation No. 132.12)

33. In keeping with the assumed obligations, the Republic of Serbia is continuously cooperating with UN treaty bodies, as well as with special UN procedures.

34. In the reporting period, the Republic of Serbia presented the following reports to UN treaty bodies: the 2nd and the 3rd periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (July, 2013); the 2nd periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights (May 2014); the initial report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearances (February, 2015); the 2nd periodic report on the implementation of the Convention against Torture; the initial report on the implementation of the Convention on the Rights of Persons with Disabilities (April, 2016); the 2nd and the 3rd periodic reports on the implementation of the Convention on the Rights of the Child (January, 2017) and the 3rd periodic report on the implementation of the International Covenant on Civil and Political Rights (March, 2017).

35. The Republic of Serbia has submitted to UN treaty bodies the following reports: the 2nd and the 3rd periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (January, 2016); the report on the implementation of recommendations Nos. 17 and 23 of the concluding observations regarding the 2nd and the 3rd periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (April, 2016); the report on the implementation of recommendations No. 9a and No. 19 of the concluding observations regarding the 2nd periodic report on the implementation of the Convention against Torture (April, 2016); the report on the implementation of recommendations Nos. 11, 14 and 28 of the concluding observations regarding the Initial Report on the Implementation of the International Convention for the Protection of All Persons from Enforced Disappearances (May, 2016); the report on the implementation of recommendations Nos. 34 and 54 of the concluding observations regarding the Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities (May, 2017) and the 4th periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2017).

36. The Republic of Serbia has had successful cooperation with the relevant human rights bodies of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE)[6].

E. Institutional actors in human rights protection (Recommendations Nos. 131.7; 131.9; 131.10; 132.3; 132.4; 133.5)

37. A great deal of attention is being paid to the strengthening of capacities of the state at all governmental levels in the field of human rights protection.

38. New mechanisms have been established for review and monitoring of the adopted policies.

39. Also, the governmental Office for Cooperation with Civil Society, as an institution for the support and development of a dialogue between public administration bodies and civil society organizations has set clear standards and procedures for inclusion of civil society organizations at all levels of decision-making.

40. An appropriate legal framework and funds have been secured for operations of all independent state bodies[7] for human rights as well as efficient administration with the aim of strengthening their legitimacy and credibility. Funds for their operations from the Budget of the Republic of Serbia have been constantly increased. Also, these bodies are exempted from the implementation of the Law on the Method of Determining the Maximum Number of Employees in Public Sector.

41. In May 2015, the National Assembly appointed a new Commissioner for Gender Equality. Her staff moved to larger premises in 2016, and the first regional office opened in Novi Pazar in March 2014.

42. The Action Plan for the negotiation of Chapter 23 encompasses measures for strengthening the capacities of the Ombudsman through amendments to the Law on the Ombudsman.

F. Human rights defenders (Recommendations Nos. 131.18; 131.19)

43. In the capacity of coordinator for the negotiations with the European Commission on Chapter 24: Judiciary and fundamental rights, the Ministry of Justice is cooperating with the National Convention on the European Union which is comprised of 200 civil society organizations.

44. As an example of the good practice of cooperation with the civil society, we would like to stress the civil sector's participation in drafting the Strategy for the Prevention of and Protection from Discrimination for the period 2013–2018.

45. All government officials publicly condemned all assaults on LGBT persons and attacks on Roma. All forms of violence, discriminatory behaviour and graffiti with hate speech prompted a public reaction in both print and electronic media, in addition to the prosecution of the perpetrators of such acts.

G. Trainings on human rights (Recommendations Nos. 132.9; 132.10)

46. As part of annual plans, the Human Resource Management Service of the Government of the Republic of Serbia is conducting professional training courses for government employees in the field of human rights protection and anti-discrimination. Since the last cycle of the UPR, 35 training courses have been held which included 511 employees working in various state administration bodies.

47. The Rulebook on General Professional Training Programme for state administration employees and employees of Government agencies and services was issued[8].

48. The Administration for the Enforcement of Penal Sanctions is conducting trainings for the Administration's employees on a regular basis, which is an important mechanism for the prevention of torture.

49. The Judicial Academy has developed a module for training courses in the human rights field. Basic training courses for judicial officials are organised on a regular basis.

50. Training courses for employees in state bodies on the treatment of juvenile offenders, including their legal protection and prevention of discrimination, as well as on the police treatment of juvenile offenders, were held in the reporting period. Training courses for 1,037 expert employees in social care on attitudes towards LGBT persons and their family members were also organised in the said period.

H. Right to privacy (Recommendation No. 132.74)

51. A law on personal data protection is being drafted in keeping with harmonization tables, recommendations of experts, a draft law on the Commissioner for Information of Public Importance and Personal Data Protection and a proposed decree of the European Parliament and the Council of Europe on the protection of individuals with regard to processing of personal data and on a free circulation of such data[9].

I. Access to drinking water (Recommendation No. 132.85)

52. The Republic of Serbia Constitution guarantees the right to a healthy environment. According to the Law on Waters, water is considered a natural resource, owned by the Republic of Serbia.

53. A national framework (constitutional, political and legislative) for the support to provision of water supply and sewerage has been developed. Local self-governments play an important role in securing favourable environment for water supplies and provision of sewerage services.

54. The Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes was ratified in 2013. A joint body was formed and goals and target dates for their achievement were set in keeping with Article 6, Paragraph 3, of the Protocol.

55. In 2016, the Government adopted the Strategy for Water Management in the territory of the Republic of Serbia for the period until 2034, with the aim of achieving an integrated water management in a fair and sustainable way while honouring international agreements.

J. Freedom of religion/churches and religious communities (Recommendations Nos. 132.98; 133.10)

56. According to the Republic of Serbia Constitution, Serbia is a secular state, churches and religious communities are separated from the state, no religion is obligatory as a state religion, meaning that churches and religious communities are equal and separated from the state.

57. Drawing upon the fact that the existence and actions of all religious communities are based on principles of religious pluralism and that various churches and religious communities are built into the legal order of the Republic of Serbia, there are procedures for their registration. The Law on Churches and Religious Communities identifies various religious entities and legally validates their existence. It is forbidden to ban the formation of new churches and religious communities, but it is required to stipulate conditions under which they can be granted the status of a church or of a religious community and thus enter the legal order as a religious community admitted to the exercise of religious freedoms. The registration in accordance with the law is optional in order to secure the status of a church and have the legal personality in the Republic of Serbia.

58. The Ministry of Justice, in cooperation with the Belgrade University Faculty of Law, drafted a comparative analysis on the regulation of the status of churches and religious communities in order to determine specific criteria based on the best practices from the EU countries and from the SEE region.

59. The reporting period was marked by the restitution of property to churches and religious communities that was seized from them in the post-WWII period. The Agency for Restitution, which plays the primary role in the process of the restitution of property, does not discriminate against any church or religious community or legal persons registered in the Republic of Serbia.[10]

K. Freedom of opinion and expression and freedom of assembly (Recommendations Nos. 132.75-132.78; 132.81; 133.6; 133.12)

60. New media laws were passed in 2014[11] and they are fully aligned with the European regulatory framework.

61. In December 2015, the European Commission confirmed that the Republic of Serbia fulfils all conditions regarding the full harmonization of media laws with AVMSD (Audio Visual Media Services Directive[12]) and that it can join the Creative Europe – Media Subprogram.

62. Article 4 of the Law on Public Information and Media stipulates that freedom of public information must not be violated by abuse of office and powers, ownership or other rights, by exerting influence or control over means of printing and distribution of newspapers or over electronic communications networks used for the distribution of media contents. The Law foresees the establishment of a Media Register in order to provide for public availability of the information about the media. The Media Register is managed by the Business Registers Agency.

63. The new Law on Public Assembly[13], entered into force in February 2016, is aligned with modern standards for policing in the field of public assembly.

64. The right to freedom of assembly is also defended through the institution of criminal responsibility since the Criminal Code treats acts aimed at preventing a public assembly as a criminal offence.

65. In February 2016, the Ministry of Internal Affairs adopted an Action Plan for the improvement of police conduct to and cooperation with representatives and associations of LGBT persons, which has been fully implemented. Liaison officers for the LGBT community have also been appointed, and a rulebook for police practices when dealing with the LGBT population has been drafted and training courses for police officers have been conducted.

66. In maintaining law and order at Pride Parade 2014, good cooperation was realized with representatives of the event's organizational committee. After 2014, pride parades and events aimed at promoting the rights of LGBT persons were held without major incidents and with reduced security measures. Groups which earlier expressed dissatisfaction with the pride parade were brought under control.[14]

L. Prevention of discrimination (Recommendations Nos. 131.12–131.17; 132.13–132.17; 132.25–132.30; 132.79; 132.80)

67. During the reporting period, the legislative, strategic and institutional framework regarding the ban on discrimination was improved.

68. The Strategy for the Prevention of and Protection from Discrimination and the accompanying Action Plan determined the Government's policy in this field until 2018.[15]

69. The implementation of measures is monitored through the work of the Government's Council which held four sessions. Four reports on the implementation of the Action Plan have been drafted so far. Contact persons and their deputies were appointed to all institutions charged with implementing measures.

70. Training courses have been organised for contact persons and their deputies, representatives of civil society organizations and local self-government units for the purpose of capacity building and more efficient monitoring of the implementation of the Action Plan.

71. In order to punish the incitement to national, racial or religious hatred, Article 54.a on sentencing under special circumstances when a crime is committed out of hatred[16] has been incorporated into the Criminal Code.

72. The Criminal Code criminalizes inciting to ethnic, racial or religious hatred and intolerance, racial and other discrimination, violations of equal rights, violations of the right

to the use of language and script, violations of freedom of expression, of national or ethnic background, violation of freedom to practise religion and perform religious rites, as well as damaging the reputation of a people, national or ethnic groups and organizing and inciting to genocide and war crimes.

73. The Public Prosecutor's Office of Serbia in December 2015 issued a general directive of a mandatory nature on keeping a special record of certain crimes, including hate crimes.

M. National minorities (Recommendations Nos. 132.5; 132.88–132.99)

74. The legislative framework dealing with the status and participation of national minorities in social and political life in Serbia that was established in the past ten years has been significantly improved and implemented in practice.

75. The new Law on civil servants stipulates equal access to jobs for all candidates in autonomous provinces and local self-governance units.[17] All jobs are available under the same conditions. The ethnic composition of employees, representation of genders and the number of persons with disabilities among employees should reflect the structure of the population to the greatest possible extent. The Government issued three decrees defining criteria for the classification and description of jobs and filling-in job vacancies in autonomous provinces and local self-governance units.

76. By-laws for the implementation of the said Law have been adopted and they stipulate that if a language and script of a national minority is in official use in the autonomous province, a local self-governance unit or a city municipality, the knowledge of such a language is a requirement for jobs where verbal and written communication with citizens is needed. National minorities are given priority in case qualified candidates are equally evaluated for a job, and this will be specifically mentioned in advertised job notices if there is a need for an employee from among the national minorities who are underrepresented in the staff.

77. The Government adopted the Action Plan for the Exercise of the Rights of National Minorities on March 3, 2016.[18] The National Minorities' Councils took part in drafting the Action Plan. The Action Plan stipulates greater participation of national minorities in the government, the use of script and rights in the fields of education and culture.

78. The Council for National Minorities, as a body through which the Government is maintaining a dialogue on all issues of interest for national minorities and on improving their status, is tasked with overseeing the implementation of activities as per the Action Plan for the Exercise of the Rights of National Minorities. The Council renewed its work in 2015. The Prime Minister is heading the Council, and its members are relevant ministers and presidents of the National Minorities' Councils. A programme of allocation of funds from the Budget's Fund for National Minorities was adopted at a session of the Council for National Minorities held on May 23, 2017, which stipulates that information in national minority languages is a priority field to be financed from the Budget's Fund for National Minorities in 2017. Funds will be made available in a public call announced by the Ministry of State Administration and Local Self-Government.

79. There are 21 National Minorities' Councils in Serbia; their work is financed from the Budget of Republic of Serbia, the budgets of the autonomous provinces and local self-governance units, donations or otherwise.

80. The Office for Human and Minority Rights in cooperation with the OSCE Mission held a number of training courses aimed at strengthening the capacities of the National Minorities' Councils. They were financed by IPA funds.

81. Education in the 15 languages spoken by national minorities has been secured at all three educational levels which this year includes over 60,000 students. Eleven languages of national minorities are in official use in 42 local self-governance units. More than 18,000 hours of radio and TV programmes are broadcast each month in 16 languages of national minorities, and more than 100 print media are published.

82. The Government continued its efforts in the field of Roma inclusion with the adoption of the new Strategy for Social Inclusion of Roma in the Republic of Serbia by 2025. The Strategy and the accompanying Action Plan define measures and activities, implementers and funds for priority fields: housing, employment, education, health and social care, prevention of discrimination.

83. The Government's Coordination Body for Roma Inclusion is monitoring the implementation of measures. The Government's Council for the Improvement of the Status of Roma and for the Implementation of the Decade of Roma Inclusion is also monitoring the implementation of policies on Roma inclusion.

84. Through the implementation of the previous Strategy for Improving Roma Status until 2015, and through participation in the Decade of Roma Inclusion (2005–2015), Serbia achieved significant results which can be used as an example of good practices.

85. Amendments and supplements to the Law on Extrajudicial Procedure enabled efficient additional registration in the Birth Registry and helped Roma citizens to be provided with personal documents.

86. 181 pedagogical assistants, who contribute to the inclusion of Roma students and to their better performances in education, now work in local self-governance units.

87. Through the implementation of affirmative action measures (2003), 1,960 Roma enrolled in universities and post-secondary schools and 5,070 of them enrolled in secondary schools, and a system of monitoring regular attendance at school and achievements of students was established. Scholarships are provided for their education through affirmative action measures.

88. Seventy-five health mediators are undertaking activities in connection with health education of Roma. They help residents of informal settlements to improve their health status and get included in the healthcare system.[19] A record on the number and places of informal settlements in Serbia was established for the first time, providing an opportunity to direct funds at resolving these problems. According to data provided by municipalities, there are 583 informal/illegal Roma settlements in Serbia. First urban plans have been drafted for sub-standard Roma settlements and 13 models for improving housing conditions of Roma have been developed.

89. In addition to social housing as a model for resolution of housing issues, programmes of purchase of rural households are underway.

90. The adopted Programme for Employment and Social Policy in the process of accession to the EU represents a crucial document for monitoring progress in the process of European integration and negotiations with the European Commission in the field of employment and social policy. The new Strategy for Social Inclusion of Roma in the Republic of Serbia regulates the issue of employment of Roma.

91. A database for monitoring Roma inclusion at local and national levels was established through IPA 2012 TARI project.[20]

N. Legally invisible persons (Recommendation No. 132.8)

92. A birth is registered in the Birth Registry regardless of whether the child's parents are known or unknown, whether the child is without parental care, whether it is an adopted child or the child whose parents have no personal documents.

93. Amendments to the Law on Non-Contentious Procedure and the implementation of agreements between the Ombudsman and relevant Ministries, with the support of the UN High Commissioner for Refugees, enabled the resolution of the issue of personal documents for more than 25,000 Roma during the reporting period.

94. With the introduction of the service "Baby, welcome to this world" in April 2016, the procedures of registration of babies in the Birth Registry, reporting citizenship and place of residence and electronic registration for health insurance while a baby is still on the maternity ward, have been simplified.

O. Rights of the child (Recommendations Nos. 131.6; 131.8; 131.23; 131.25–131.29)

95. Applicable laws and regulations guarantee the exercise and protection of the rights of the child, which is why the Ministry in charge of family protection is of the opinion that it is not necessary to adopt a special law on the rights of the child.

96. Even though the Family Law stipulates that parents are not allowed to expose the child to humiliating actions and punishments that insult human dignity of the child and that they are obliged to protect the child from such actions by other people, amendments to the Law are being prepared which will explicitly ban corporal punishment of children as a mean of upbringing the child. The Ministry in charge of family protection started work on drafting a bill amending and supplementing the Family Law which, among other things, provides for a ban on corporal punishment of children and on the use of physical force as a means of upbringing the child and envisages measures pertaining to protection of children from domestic abuse.

97. The Council for Child Protection conducted a study and amended the draft bill on children's ombudsman of 2008 and sent an initiative to the Government to launch a procedure for passing the bill. A public debate on the bill is in progress in order to improve the wording of the bill.

98. Even though the Criminal Code does not contain a crime called "child-selling", we stress that other crimes recognized by this Code incriminate the selling of children. In addition to the crime of trafficking in human beings, the Criminal Code includes crimes such as: trafficking in minors for adoption; taking a minor child away and a change of family environment.

99. With the aim of combating child pornography, amendments were made to the Criminal Code which introduced a definition of child pornography and new paragraphs were added criminalizing even access to child pornography.

100. The "School without violence" programme includes 274 schools. An interactive internet site called "School without violence" was designed as well as a toolkit to evaluate safety of the school environment and gender-based and digital violence. A rulebook for evaluation of the safety of school environment is created as a part of the evaluation of quality of education and strengthening of capacities of schools and educational advisers for monitoring the safety of the school environment.

P. Gender equality (Recommendations Nos. 132.6; 132.18–132.24; 132.82; 132.83)

101. The Coordination Body for Gender Equality, which is headed by a Deputy Prime Minister, since its establishment in 2014 has undertaken a number of activities with the aim of improving the status of women and gender equality.

102. After 2016 parliamentary and local elections, a woman was appointed as the Speaker of the National Assembly, and 34.54% of MPs are women. The percentage is similar in every city and municipal assembly.

103. After the presidential election of May 2017 changes occurred in the Government. For the first time, a woman was appointed Prime Minister of Serbia. Out of 21 ministers, four are women, one of them is a Deputy Prime Minister and President of the Coordination Body for Gender Equality. Five women are presidents of administrative districts, and 12 are mayors.

104. There are more than 100 local bodies for gender equality.

105. Regulations applied in local government bodies and the autonomous provincial government bodies enable equal access to jobs for both genders. The 2015 Law on the Budget System introduced a gender-sensitive budgeting and an obligation that all budget beneficiaries must apply it by 2020 at the latest.

106. Since February 2016, the Republic of Serbia has used the EU gender equality index in six fields: distribution of time, money, work, knowledge, power, health and in two subfields: violence against women and inter-sectoral differences. According to indicators, gender equality index for the Republic of Serbia is 40.60%.[21]

107. The Government has adopted a National Strategy for Gender Equality in February 2016[22] for the period 2016–2020 with the Action Plan for the period 2016–2018.

109. The National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2017–2020) – was adopted on May 19, 2017. The second National Action Plan includes a greater number of actors with the focus on the implementation of reforms at the local level.

109. A strategic and normative framework which contributed to improving the status of women in rural areas and their economic empowerment was adopted in Serbia.

110. Projects and campaigns aimed at improving gender equality and overcoming gender stereotypes and prejudices have been supported in Serbia at the republic and province levels. The Republic of Serbia has developed a legal framework which stipulates a principle of equal opportunities and availability of jobs for both genders.

111. Of a total number of state employees, 62.4% are women, there are 53.23% of women in leadership positions, and 45% of state officials are women. Women and men are equal in terms of their pay both in public and private sectors.

Q. Persons with disabilities (Recommendations Nos. 132.86; 132.87)

112. The Law on the prevention of discrimination against persons with disabilities was amended in 2015, so that persons with disabilities who cannot sign by themselves can use a seal containing their personal identity data or an engraved signature on it.

113. A set of anti-discrimination laws was supplemented in March 2015 when the Law on the Use of Sign Language and the Law on Movement of Blind Persons with Guide Dogs were adopted.

114. A team of professionals for inclusive education has been formed at the level of every pre-school institution, elementary and secondary school. It is tasked with developing and improving the inclusive climate, policies and practices at the level of the institution. Interdepartmental commissions tasked with assessing the needs for additional education, health and social support to children have been established in all local self-governance units.

115. The Law on Foundations of the Education System explicitly stipulates that particular attention should be paid to "prospects that children, students and adults with developmental difficulties and those with disabilities, regardless of their financial standing, have access to all education levels," and that "persons housed in social protection institutions, such as sick children, students and adults enjoy their right to education during the time they are housed in such institutions and during a hospital or home medical treatment." Special attention should also be paid to reducing the number of children leaving school early, particularly persons from socially disadvantaged categories of the population and underdeveloped areas, persons with developmental difficulties and disabilities and other persons with specific difficulties in learning and their re-integration into the system, in keeping with principles of inclusive education.

116. Also, children with developmental difficulties and disabilities have the right to the use of sign language or a special script.

117. The new Law on Textbooks stipulates that students with disabilities use textbooks whose format is adapted to their needs.

118. The new Law on Secondary Education stipulates that secondary education is free of charge but is not compulsory, and provides for a possibility of distance learning.

119. The Rulebook on determining priorities for enrolment of children in pre-school institutions stipulates that children from vulnerable categories have a priority. Pre-school education is free of charge for all children and is financed from the Republic of Serbia's Budget.

120. The Rulebook on criteria for recognizing forms of discrimination against an employee, a child or a third person in educational institutions has been adopted.

121. The Strategy of Education in the Republic of Serbia until 2020 stipulates that all children should be included in elementary education, particularly children in rural areas, Roma children and children with developmental difficulties and disabilities and a decrease in the number of children leaving elementary and secondary school early.

R. Elderly people (Recommendation No. 132.84)

122. With the aim of raising the quality of social protection services, the Law on Social Protection stipulates that social protection organizations must obtain a license. The Rulebook on conditions and standards for the provision of social protection services defines standards for the provision of the majority of social protection services.

123. The National Strategy on Aging until 2016 contributed to the introduction of the phenomena of aging in developmental plans, and its aims have been incorporated into other national and local strategic documents.

124. The evaluation of the said Strategy is the foundation for the conclusion that no new strategy is needed, but that the existing one should be implemented. Strategic goals are in keeping with EU objectives until 2020.

125. The number of various services for elderly people residing in retirement facilities has increased in the local communities, helping the elderly to improve their contacts with society. Housing conditions have improved in the public sector following the standardization of services and licensing of organizations and professionals.

126. Home services are provided to elderly people in a number of local communities.[2]

127. Elderly people (65+) and poor elderly people do not have to pay for certain services or the charges for such services are discounted for them (ranging from utility to public transportation services). These facilities are in force in most municipalities and cities, particularly in Belgrade.

128. Private sector providers of social services are emerging, particularly as regards retirement homes (there is accommodation for 5,000 elderly people in private retirement homes).

S. Migrants, refugees and internally displaced persons (Recommendations Nos. 132.100; 132.101; 132.102)

129. The passage of the Law on Employment of Foreigners in 2014 stipulates conditions and procedure for employment of foreigners. A foreigner employed in keeping with this Law enjoys equal rights and obligations as domestic citizens, if conditions stipulated by the law are met. The National Employment Bureau issued 7,430 work permits to foreigners in 2016.

130. The Republic of Serbia is the only country in Europe which in the 21st century is facing the problem of protracted internal displacement. There are 203,140 internally displaced persons in Serbia at the moment and around 17,000 so-called internal-internally displaced persons. Sustainable conditions for return of internally displaced persons to Kosovo and Metohija, which is the responsibility of the international community, have not been secured 18 years after their expulsion, which is testified to by UNHCR data that less than 5% of displaced persons have returned to Kosovo since 1999.

131. Main obstacles to sustainable return are: security situation, lack of mechanisms for protection and access to justice, unresolved issue of property restitution, aggravated access to public services and the use of native language.

132. In the context of finding durable solutions and the exercise of fundamental human rights of internally displaced persons, including the right to access and regain the property and the right to work, it is necessary to provide possibility for all internally displaced persons from Kosovo and Metohija to choose between local integration and sustainable return.

133. Mechanisms at central and local levels for the implementation of all types of programs of support to internally displaced persons have been developed. Thanks to the system of local action planning in meeting the needs of those persons, local self-governance units got actively engaged and programs are financed from the Serbian Budget and donors' funds. The implementation of the Regional Housing Program for refugees in the former Yugoslavia, a joint program of four countries – Bosnia and Herzegovina, the Republic of Croatia, Montenegro and the Republic of Serbia, which is aimed at securing permanent housing for 16,780 families (45,000 individuals), is in progress in Serbia. The regional process received significant support from the international community: the EU, USA, UNHCR and the OSCE, including funds for the implementation of the Regional Housing Program.

134. The National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period 2015–2020 has also been adopted.

135. In keeping with the Law on Refugees, the Law on Migration Management and the Law on Asylum, the Commissariat for Refugees and Migration is keeping records of refugees and internally displaced persons and records of asylum seekers/migrants in reception centres. In the past seven years, the Commissariat has drafted a migration profile of the Republic of Serbia, as a means of monitoring migration flows and trends.

136. In the context of alignment of national regulations with EU legal instruments governing the field of asylum, the Government adopted a draft bill on asylum and provisional protection on August 25 which was submitted to Parliament for consideration.

137. The Asylum Office was created on January 14, 2015 under the authority of the Border Police Administration and it is conducting the first-instance asylum procedure. The Commission for Asylum, which is appointed by the Government, decides on the second-instance procedure. A legal protection against Commission decisions is provided through an administrative dispute procedure.

138. According to estimates, more than 600,000 migrants and refugees from war-torn areas passed through Serbia without major incidents. Since the closure of the migrant route[24], there are more than 40% of persons in reception centres that are minors. At the moment, 18 centres which can take in 6,000 people (five asylum centres and 13 reception centres) are operating. In 2015, the Serbian Government established a task force for solving problems of mixed migration flows.

139. There is a children's corner in every reception centre, and women and men are housed separately. Psychological and social support is secured through partnership with civil society organizations. Conditions for children and youth to attend schools have been created. Additional recreational and educational activities have been organized for them.

140. The Ministry of Labour, Employment, Social and Veterans' Affairs is conducting training courses for employees working in social care on "the promotion of tolerance, suppression of discrimination and respect for the rights of internally displaced persons in Serbia in search for durable solutions."

141. The Civil Society Organizations and international organizations dealing with issues of protection of migrants and refugees, particularly women, are enabled access to permanent and reception centres.[25]

T. Domestic violence (Recommendations Nos. 131.20; 131.21; 132.33–132.47)

142. The Council of Europe's Convention on Preventing and Combating Violence against Women (Istanbul Convention)[26] was ratified in October 2013.

143. The Coordination Body for Gender Equality initiated the adoption of the National Strategy for the Prevention and Suppression of Violence against Women and Young Girls in the Family and Partnership Relations for the period 2017–2020.

144. Public Prosecutor's Offices are obliged to submit quarterly reports with data from special records to the State Prosecutor's Office, via appellate public prosecutor's offices.

145. The State Public Prosecutor's Office in December 2015 issued binding instructions[27] providing for an obligation to keep special records in appellate, high and municipal public prosecutor's offices which include, among other things, the criminal offence of domestic violence.

146. In January 2016, *the Department for the Prevention and Suppression of Domestic Violence* which monitors, analyses and coordinates cases of domestic violence at the level of all 27 police administrations, was formed within the Criminal Police Administration.

147. In February 2013, the Ministry of Internal Affairs adopted a special Protocol on action of police officers in cases of violence against women in the family and in intimate partner relationships. Basic and special training courses were conducted on the implementation of the Protocol. The Special Protocol for the judiciary in cases of violence against women in the family and in intimate partner relationships was adopted on January 14, 2014.

148. In November 2015, *the Rulebook on conditions and standards for providing services of SOS helpline to women victims of violence*[28] in keeping with Article 24 of the Istanbul Convention was adopted.

149. *The Law amending the Criminal Code and the Law on the Prevention of Domestic Violence*, which entered into force on June 1, 2017[29] were adopted on November 23, 2016 with the aim of harmonizing these laws with the Istanbul Convention.[29]

150. Amendments to the Criminal Code of November 23, 2016 stipulate the crime of *forced marriage*.[30]

151. *The Law on the Prevention of Domestic Violence*[31] regulates in a comprehensive way the organization and actions of state institutions and enables the prevention of domestic violence through a quicker protection of and support to victims of domestic violence and through the essential implementation of some of the most important solutions from the Istanbul Convention.

152. The Law stipulates that public prosecutor's offices, police and Social Services Centres cooperate through a joint body – *The Group for Coordination and Cooperation*, and specifies disciplinary and misdemeanour sanctions for state employees, judges and prosecutors. The Government's Council for the Suppression of Domestic Violence is tasked with overseeing the implementation of the Law, improving the coordination between relevant state bodies and other parties, improving the effectiveness of the prevention of domestic violence and protection from domestic violence.

153. The Law on the Prevention of Domestic Violence introduces *two emergency measures*: removal of the perpetrator of domestic violence from the family home, and banning the perpetrator from contacting or approaching the victim (restraining order).

154. Also, the Law defines domestic violence as an act of physical, sexual, psychological or economic violence against a person with whom the perpetrator is/was married or is/was in a common law marriage or against a person who is a relative in direct line of descent with the perpetrator, or against a person who is a relative in the lateral line to the second degree, or who is a relative via in-laws, against a foster child, adopted child or against any other person with whom the perpetrator of domestic violence lives or used to live in a common household.

155. In 2015 and 2016, training courses, supported by the OSCE Mission, were conducted for persons who work in *Services providing information to injured parties and witnesses in public prosecutor's offices*, which were established in high public prosecutor's offices.

156. Relevant laws stipulate mandatory training courses for representatives of specialized state bodies (police, public prosecutor's office and courts).

157. As part of the Republic of Serbia Institute for Social Protection, a number of training programs on domestic violence were accredited and they are intended for professionals working in institutions of social protection (Social Services Centres and social housing institutions).

158. The Group for Protection from Violence and Discrimination has been active since December 2013 in the Ministry of Education, Science and Technological Development.

159. Social Services Centre manages safe places or refuge spaces.[32]

160. With the aim of helping women to report domestic and sexual violence by way of raising awareness of a criminal nature of such acts, the Ministry of Justice launched a nationwide awareness raising campaign called "Stop the Violence."

U. Trafficking in human beings (Recommendations Nos. 131.22; 131.24; 131.30; 132.48–132.57)

161. Efforts towards combating the trafficking in human beings and towards the protection of victims have increased.

162. The IPA twinning project called "Combating Organized Crime (trafficking in human beings, narcotic drugs and arms and money-laundering investigations)"[33] has been implemented since late 2016.

163. A specialized training course for law enforcement officials at local and regional levels in the field of combating human trafficking will be conducted in order to improve the capacities of the Criminal Police Administration in keeping with best EU practices and the Action Plan for Chapter 24.

164. Public Prosecutor's Offices are operating in keeping with positive regulations and the Special Protocol on operations of judicial authorities in the protection of victims of human trafficking (2012)[34]. As part of improving conditions for reintegration of victims, the Centre for Protection of Victims of Human Trafficking has signed a Protocol of Cooperation with the National Employment Bureau.[35] Numerous state bodies have signed Memoranda of Cooperation with civil society organisations[36] in the field of prevention and suppression of human trafficking.

165. In December 2015, Information Services for Victims and Witnesses were established in high public prosecution offices in Belgrade, Novi Sad, Nis and Kragujevac. A publication "Legal Framework and Recommendations for the Implementation of the Principle of Not Punishing Victims of Human Trafficking in the Republic of Serbia" was published with the support of the OSCE Mission to Serbia.

166. The National Strategy for the Prevention and Suppression of Trafficking in Human Beings, particularly women and children, for the period 2017–2022, with the Action Plan for the period 2017–2018, was adopted.

167. In the Serious and Organized Crime Threat Assessment,[37] which was drafted in 2015 and published at the beginning of 2016, trends and recommendations in connection with the fight against human trafficking are cited. One version of a report is available at the Internet site of the Ministry of Internal Affairs.

168. In 2014–2015, National Indicators for Preliminary Identification of Possible Victims of Human Trafficking were created in the Republic of Serbia. Indicators encompassed all systems, from social protection, education to police.

169. In 2016, a project "Preventing the Risk of Human Trafficking of Children and Youth in the Republic of Serbia" was implemented with the support of the UNITAS Fund.

170. The local Social Services Centres coordinate the support to children victims of trafficking.

171. In 2016 and 2017, the Centre for Family Accommodation and Adoption in Belgrade implemented the project on foster parenting for refugee/migrant children, which includes foster care for children from this category of the population who are victims of traffickers.[38]

172. A four-day training course on work with children victims of some form of violence, including human trafficking for the purpose of sexual exploitation, was organized for all employees of the Centre for the Protection of Victims of Human Trafficking in 2015.

173. In 2016, the Centre took part in a training course for health mediators within a UNICEF project aimed at detecting and at establishing relations between health mediators and children who were sexually exploited and their families.

V. Protection of journalists (Recommendation No. 132.32)

174. The Constitution guarantees independence of the press and freedom of journalists.

175. The Action Plan for the negotiation Chapter 23 provides for activities to ensure protection of journalists and freedom of expression.

176. With the aim of increasing the efficiency of operations of public prosecutor's offices in criminal proceedings against perpetrators of crimes targeting journalists, the Republic Public Prosecutor's Office issued instructions in December 2015.[39]

177. In April 2016, a cooperation agreement, treating investigations into cases involving threats and violence against journalists as a priority, was signed between the Republic Public Prosecutor's Office and the Ministry of Internal Affairs.

178. The Republic Public Prosecutor's Office, the Ministry of Internal Affairs, the Serbian Journalists' Association, the Serbian Independent Journalists' Association, the Vojvodina Journalists' Association, the Association of Independent Electronic Media, the Media Association, the Association of Online Media and the Vojvodina Independent Journalists' Association, in December 2016 signed an agreement on cooperation and on measures for increasing the level of safety for journalists.

W. Rule of law and judiciary reforms (Recommendations Nos. 132.58–132.62; 132.71)

179. The National Strategy for Judicial Reform for the period 2013–2018 was adopted with the accompanying Action Plan which defines priorities, goals and directions of reform measures.

180. Reform efforts indicated in the Strategy have been widened and operationalized through the Action Plan for the negotiation of Chapter 23, within the EU accession process.

181. The need to amend the Constitution has been identified in a section pertaining to the influence of the legislative and executive authorities on the process of selection and dismissal of judges, court presidents and public prosecutors and the appointment of members to the High Judicial Council and the State Prosecutorial Council, specifying the role and position of the Judicial Academy, as a mechanism for entering the judiciary.

182. With the aim of implementing activities set out in the Action Plan for Chapter 23, the Ministry of Justice, in cooperation with the Office for Cooperation with Civil Society, has organized consultations since May 2017 with civil society organizations in order to hear from them suggestions and proposals for amendments to the Constitution in a section pertaining to the judiciary.

183. With the passage of the new Law on the Protection of the Right to a Fair Trial within a Reasonable Timeframe, conditions have been created for making progress towards trials

within a reasonable timeframe; prospects for compensation in case of violation of this right have improved as well as prospects for shorter duration of a court proceeding and for less backlog of cases.

X. Respect for police code of conduct (Recommendation No. 132.11)

184. In keeping with the Law on Policing, the Republic of Serbia Government adopted in March 2016 the ethical code of conduct for law enforcement officials[46] forming part of a program of professional training of MIA employees.

Y. Prohibition of torture (Recommendations Nos. 131.3; 132.2; 133.3; 133.4)

185. As part of progressive alignment of the Criminal Code with international standards during the accession process to the EU, amending the definition of torture is planned. With regard to the prevention and suppression of torture and abuse, the Republic of Serbia intends to strengthen the capacities of the Ombudsman, particularly his role as a national mechanism for torture prevention. Also, the implementation of a higher level of coordination and the raising of general awareness of the necessity for full elimination of all forms of torture are to be achieved by defining clear communication channels between police officers, the National Preventive Mechanism and civil society organizations. A higher level of professionalism and awareness of the necessity to establish a zero tolerance of torture will be achieved through initial and continuous training courses for police officers, employees of the Institute for the Execution of Criminal Sanctions and judges for the execution of criminal sanctions. The Judicial Academy is holding training courses on the prohibition of torture from international law.

Z. Persons in detention (Recommendations Nos. 132.72; 132.73)

186. The Administration for the Enforcement of Penal Sanctions is undertaking activities pertaining to improving conditions in prisons, the implementation of individualized treatment programs, health care and protection of the rights of persons in detention. The Strategy for the Development of the System of the Enforcement of Criminal Sanctions until 2020 and the Action Plan detail activities aimed at improving the state of affairs in every field.

187. Measures recommended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) are being actively implemented.

188. The new Law on the Enforcement of Penal Sanctions and the Law on the Enforcement of Non-Custodial Sanctions were enacted in May 2014 to align domestic laws with relevant international standards. The problem of overcrowded institutions for the execution of criminal sanctions is approached in two ways: through investment in facilities and through improving the system of alternative sanctions.

189. As part of two newly-built buildings, the police station in Bac and the police department in Batajnica, detention units followed all recommendations for building and equipping such premises. Detention units in Novi Pazar and Kikinda and in the police stations in Sjenica, Tutin and Kanjiza were renovated in September 2015.

190. The overcrowding in prisons was reduced by 1,147 persons through the implementation of the Strategy to Reduce Overcrowding in Penitentiary Institutions in the Republic of Serbia in the period 2010–2015. Penitentiary facilities can hold up to 9,459 inmates.

191. Offices for the execution of alternative sanctions opened in the seats of all high courts (25 offices), an additional number of commissioners were employed, numerous roundtables were held and education was organized for judicial officials and commissioners, and the achieved results have been presented.

192. The Administration has worked on improving housing conditions and increasing the capacities.

193. There was a 26.4% rise in the number of inmates released on parole in the period 2012–2016.

194. In cooperation with the Ministry of Education, a program of functional elementary education for adult convicts serving their sentences is being implemented.

195. The completion of the reconstruction of the special prison hospital in Belgrade is planned for the end of 2017.

196. In cooperation with the Ombudsman and civil society organizations, training courses for healthcare professionals are organized.

AA. Accountability for War Crimes (Recommendations Nos. 132.64-132.70)

197. On February 20, 2016, the Government adopted the National Strategy for the Prosecution of War Crimes for the period 2016–2020.

198. A Draft Prosecutorial Strategy for investigation and prosecution of war crimes for the period 2016–2020 in Serbia has been drafted and it is expected to be adopted in the coming period.

199. The National Assembly appointed a new War Crimes Prosecutor on May 15, 2017 which enabled the Office of the War Crimes Prosecutor to work in full capacity.

200. Regarding the right of victims to compensation, the drafting of a national strategy for enhancing the rights of victims of crimes is planned. An accompanying action plan will stipulate measures to improve the realization of the rights to compensation as well as to the establishment of a support services network.

201. The cooperation with the Residual Mechanism for International Criminal Tribunals has continued.

202. In the Bitiqi Brothers case, the War Crimes Prosecutor's Office has indicted a number of persons. In January 2013, a final decision on acquittal was rendered in that case. The Office of the War Crimes Prosecutor issued an order to conduct an investigation against an unknown perpetrator of a crime against prisoners of war punishable under Article 144 of the Criminal Code of the Federal Republic of Yugoslavia.

BB. Corruption (Recommendations Nos. 132.7; 132.63)

203. The Republic of Serbia ratified all major international instruments in the fight against corruption.

204. A plan for the harmonization of internal legal order with the EU legislation for the period 2013-2018 is incorporated in the National Program for the Adoption of the EU Acquis Communautaire.

205. A strategic framework for the fight against corruption in the Republic of Serbia is comprised of the following documents: the National Strategy for the Fight against Corruption in the Republic of Serbia for the period 2013-2018 with the accompanying Action Plan for its implementation and the Action Plan for Chapter 23.

206. The National Strategy for the Fight against Corruption in the Republic of Serbia for the period 2013–2018[41] identified areas that are considered particularly at risk for corruption, i.e., areas of priority action, which have been determined on the basis of qualitative and quantitative analysis of indicators on trends, scope, manifestations and other issues related to corruption in the Republic of Serbia based on various sources of information.[42]

207. The process of revising the Action Plan for the Implementation of the National Strategy for the Fight against Corruption in the Republic of Serbia in the period 2013–

2018[43] was completed on June 30, 2016, after which the Republic of Serbia Government adopted the Revised Action Plan. The revision is stipulated as one of the obligations under the Action Plan, and it was done on the basis of the assessment of fulfilment of the National Strategy for the Fight against Corruption made in the past reports of the Anti-Corruption Agency, difficulties encountered in the implementation and monitoring of the implementation of this document, as well as due to the fact that the Action Plan for Chapter 23, which was adopted in April 2016, envisages some of the same or essentially similar obligations as in the Action Plan for the Implementation of the National Strategy for the Fight Against Corruption, but with longer deadlines for their fulfilment.

208. The situation was resolved with the adoption of the Revised Action Plan for the Implementation of the National Strategy for the Fight against Corruption, from which the majority of the above-mentioned obligations were erased.

209. The Action Plan for Chapter 23, Sub-chapter "the Fight against Corruption," contains a number of activities divided into three parts: *The Implementation of Anti-Corruption Measures, Prevention and Repression of Corruption.* These activities are aimed at implementing the recommendations made in the European Commission screening reports on what Serbia should do to improve its legal and institutional framework for the fight against corruption and to secure the implementation of mechanisms verified in practice.

Notes

[1] In addition to all this, three civil society organizations (YUCOM, Amity and the Centre for the Rights of the Child) have been supported with funds from the Republic of Serbia Government – the Office for Human and Minority Rights, to oversee the implementation of UPR recommendations regarding women, children and the elderly, which thus made their contribution to the drafting of the Report for the third cycle of the Universal Periodic Review (UPR).

[2] Information on adopted laws and strategies is annexed to the Report.

[3] The Law on Prohibition of Discrimination, the Law on Gender Equality, the Law on Data Protection, the Law on Free Legal Aid, and the Strategy against Domestic Violence.

[4] See Paragraph 9 of the Report.

[5] Representatives of Ministries, the National Assembly, independent state bodies, civil society organizations, international organizations.

[6] A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was on a visit to the Republic of Serbia from May 26 to June 5, 2015, and on an ad hoc visit from May 31 to June 7, 2017. The European Commission against Racism and Intolerance (ECRI) was on a visit to Serbia in September 2016 as part of the 5th monitoring cycle. The Republic of Serbia has passed a long road of evaluation of the implementation of the Council of Europe's Convention on Actions against Trafficking in Human Beings. A Group of Experts on Actions against Trafficking in Human Beings (GRETA) was on a visit to Serbia on March 6-10, 2017.

[7] The Commissioner for Gender Equality, the Commissioner for Information of Public Importance and Personal Data.

[8] The Official Gazette of the Republic of Serbia No. 6/17, which as part of the Programme of General Continuous Professional Training Courses for Government Employees encompasses the fields of human rights protection and secrecy of data, with related thematic fields of protection from discrimination, discrimination before public authority bodies, gender equality and gender-based violence, protection of consumer rights, protection of personal data, protection of classified information, rights of national minorities, mechanisms for monitoring the human rights situation in the Republic of Serbia with regard to particularly vulnerable groups and execution of rulings of the European Court of Human Rights.

[9] General decree on data protection COM 2012 11.

[10] When it comes to land restitution, since the beginning of the implementation of the Property Restitution Law, the most land has been restored to the Christian Adventist Church (100%), followed by the Evangelist Christian Church (92%), the Jewish Religious Community (91%), the Serbian Orthodox Church (74.37%), the Romanian Orthodox Church (69.27%), the Christian Reformed Church (65.73%), the Roman Catholic Church (61.13%), the Greek Catholic Church (52.31%), etc. When it comes to buildings, the most buildings have been restored to the Christian Adventist Church (100%), the Christian Nazarene Community (100%), followed by the Christian Reformed Church (95%), the Romanian Orthodox Church (74.45%), the Jewish Religious Community (67.42%), the Serbian Orthodox Church (28.15%), the Roman Catholic Church (26.87%), the Evangelist Christian

Church (21.61%), etc.

[11] The Law on Public Information and Media (Official Gazette of the Republic of Serbia Nos. 83/14 and 58/15), the Law on Electronic Media (Official Gazette of the Republic of Serbia No. 83/14), the Law on Public Media Services (Official Gazette No. 83/14).

[12] The Directive of the European Parliament and Council on Providing Audio-Visual Media Services.

[13] The Official Gazette of the Republic of Serbia No. 6/16.

[14] See more in the Annex to the Report.

[15] The Strategy is the first document dealing with the issue of discrimination in a comprehensive way. The Strategy recognizes nine vulnerable social groups that are at risk of discrimination on grounds of their belonging to national minorities; women; LGBT persons; persons with disabilities; elderly people; children, refugees; internally displaced persons and other migrant groups at risk, on grounds of religion and persons whose health can be the basis for discrimination.

[16] If the crime was committed out of hatred because of the victim's race or religion, ethnicity, gender, sexual orientation or gender identity, a court will regard this fact as an aggravating circumstance, except in cases where this circumstance is stipulated as an element of a crime.

[17] "The Official Gazette of the Republic of Serbia", No. 21/2016.

[18] The Action Plan contains 11chapters and 115 activities in which 80 implementers are taking part - Ministries, local self-governance units, civil society organizations, media, National Minorities' Councils.

[19] In the past five years, 460,125 health visits were made and more than 30,000 Roma children were immunized. The death rate of Roma children has decreased by 50% compared with 2006 (it was 26‰ in 2006, and 13‰ in 2014). They had an impact on improving health controls for 4,500 pregnant and postpartum women. Also, 11,177 women chose their gynaecologists and 12,617 women underwent systematic health checks.

[20] http://www.inkluzijaroma.stat.gov.rs/sr

[21] The Coordination Body for Gender Equality, in cooperation with the Team for Social Inclusion and Poverty Reduction and the Republic Bureau of Statistics, supported by the European Institute for Gender Equality, started the drafting and the computation of the gender equality index.

[22] The Official Gazette of RS, No. 4/16. The document is monitored through the reporting on the realization of measures and activities stipulated by this Action Plan.

[23] One-time financial assistances, in-kind aid, aid in home care and clubs for elderly people, and in addition to this, at least one third of municipalities and cities have day care centers for elderly people, provide meals to food banks and subsidize utility bills, public transportation and medicines.

[24] Migrant route was closed in March 2016.

[25] The UN High Commissioner for Refugees (UNHCR, UN WOMEN).

[26] The Official Gazette of the Republic of Serbia – International Agreements, No. 12/13.

[27] A No. 802/15.

[28] The Official Gazette of the Republic of Serbia, No. 93/15.

[29] The most important changes and amendments to the Criminal Code pertain to crimes against gender freedom and to introduction of new crimes. More severe punishments are stipulated for some crimes against freedom of gender. A minimum prison term of five years (with a ban on reducing it) for rape and sexual abuse of a child is stipulated (as well as for crime of sexual abuse of a child through abuse of power) which makes the Serbian legislation one of the most severe legislations in Europe. Also, when it comes to sexual abuse of a helpless person, a minimum prison term was increased from two to five years while a maximum prison term was increased to 12 years (which equalizes this crime with a rape). New crimes are introduced in the Criminal Code: *mutilation of female genitalia, stalking, sexual harassment and forced marriage*. Also, *displaying, obtaining and possessing pornographic material and abuse of minors for pornography* were entered into amendments necessary to harmonize laws with the Council of Europe's Convention on Cybercrime, which improves legal protection of girls and boys on-line. Also, regulations stipulating that a perpetrator of a crime of rape, sexual abuse of a helpless person committed against a spouse and illegal sexual acts is prosecuted on request were deleted from the Criminal Code.

[30] Article 187a.

[31] The Official Gazette of the Republic of Serbia, No. 94/16.

[32] Safe refuges, which are managed by Social Services Centres exist in Kragujevac, Leskovac, Priboj, Smederevo, Vranje, Jagodina, Sabac, Nis and Majdanpek. There are five refuge spaces in the Autonomous Province of Vojvodina, which are managed by Social Services Centres. They are in Novi Sad, Zrenjanin, Sombor, Pancevo and Sremska Mitrovica and they can accommodate 122 persons. The Provincial Government, in cooperation with the Fund B92, supported the construction and equipping of safe places in Zrenjanin, Pancevo, Sombor and Sremska Mitrovica with a total of 22,500,000 dinars.

[33] Training programs on human trafficking for judges, police officers and prosecutors have been

developed, with the focus on the conduct of investigations and provision of protection and support to victims. Basic training courses on investigations into human trafficking for police officers of the Criminal Police Administration were conducted in the first quarter of 2017.

[34] All high prosecutor's offices appointed prosecutors acting as contact persons in cases of human trafficking, who are trained for this field, and who act and coordinate work in human trafficking cases. Public prosecutor's offices, in cooperation with the Judicial Academy, foreign partners and NGOs, organize and conduct training courses for public prosecutors, particularly prosecutors acting as contact persons.

[35] The Protocol was signed between the NGO Astra, the Jesuit Refugee Service and the UNITAS Fund.

[36] The Republic Prosecutor's Office with the Victimology Society of Serbia and organizations Astra and Atina, the Ministry of Education, Science and Technological Development with the UNITAS Fund, the Ministry of Youth and Sport with the Civil Society Organization Your Serbia, and others.

[37] SOCTA – Serious and Organized Crime Threat Assessment.

[38] The accommodation of children victims of traffickers is in the exclusive jurisdiction of the state and prospects for accommodation of children in foster families are always a point of departure.

[39] Instructions stipulate that public prosecutor's offices keep a special record of crimes against persons doing jobs of public interest in the field of information, of actions taken and of attacks on media internet sites, which are cases which require urgent attention and action.

[40] The Official Gazette of the Republic of Serbia, No. 17/17.

[41] It was adopted at a session of the Republic of Serbia Parliament on July 1, 2013.

[42] These are the following areas: political activities; public finances; privatization and public-private partnerships; judiciary; police; spatial planning and construction; healthcare; education and sports and media. A special chapter – *Corruption Prevention*, formulates goals concerning fields of priority actions, and all other fields at risk of corruption. This strategic document sets 53 goals, for the achievement of which the Revised Action Plan defines 113 measures and 243 activities.

[43] The Republic of Serbia Government adopted it on August 25, 2013.

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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. The United Nations country team stated that ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would be timely, underscoring that around 7,000 to 5,000 non-citizens were in need of international protection.[3]

III. National human rights framework[4]

3. The Committee on Economic, Social and Cultural Rights noted with concern the lack of a legal mandate for the Protector of Citizens (Ombudsman) to interact with the international human rights system and civil society organizations, the lack of sufficient financial and human resources available for the Ombudsman's Office and the limited follow-up by Serbia to the views and recommendations of the Ombudsman. It recommended that Serbia amend the Law on the Ombudsman in order to provide for the interaction of the Ombudsman with the international human rights system and civil society organizations.[5] In May 2015, the Office of the United Nations High Commissioner for Human Rights expressed concern about the continued and increasing pressure by Serbian authorities on then-Ombudsman Sasa Jankovic, which had first emerged following his investigation of alleged wrongdoing by the country's Military Security Agency. It underscored that the mandate of national human rights institutions should authorize unannounced and unfettered access to inspect and examine any public premises, documents, equipment and assets without prior written notice.[6]

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4. The Committee on the Rights of the Child welcomed the appointment of a deputy ombudsman for children. It was concerned at reports suggesting that the role of the deputy ombudsman in addressing children's rights was somewhat limited, due to inadequate resources and the fact that the office's visibility and authority at the local and national levels were insufficient.[7]

5. The United Nations country team asserted that the Commissioner for the Protection of Equality could receive and act on individual and other complaints, but had no independent enforcement powers. Although the Commissioner could undertake litigation in courts, no new cases had been launched in 2016 or 2017.[8]

6. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context stated that the recommendations of the Protector of Citizens were not implemented in practice, and that the opinions and recommendations of the Commissioner for the Protection of Equality appeared to be seldom implemented.[9]

7. The Working Group on Enforced or Involuntary Disappearances asserted that Serbia did not have a national strategy on human rights or a human rights action plan.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination[11]

8. The Human Rights Committee was concerned that, despite the country's efforts to prevent offences motivated by hatred, hate crimes, particularly against Roma, remained a serious problem. It recommended that Serbia increase its efforts to promote tolerance for persons belonging to ethnic, national, racial, religious and other minorities, including Roma.[12]

9. The Committee on the Rights of the Child recommended that Serbia ensure the availability of sufficient human, technical and financial resources for the effective implementation of the national strategy for the prevention of and protection against discrimination for the period 2014–2018.[13]

10. The United Nations country team indicated that, as at June 2017, several aspects of the country's anti-discrimination law were not in conformity with international law, including the definition of indirect discrimination, which had been incorrectly transposed, and the denial of reasonable accommodation, which did not constitute a form of discrimination under the law.[14]

11. The Special Rapporteur in the field of cultural rights expressed concern about the high level of politicization of cultural heritage issues in Serbia and in Kosovo,* and urged them to delink cultural heritage matters from nationalistic agendas, underscoring that cultural heritage should never be used to construct discourses or policies aimed at the exclusion of others.[15] Serious challenges remained in Serbia that must be urgently addressed, including with respect to the ability to discuss, produce and access cultural content related to the atrocities of the 1990s, as well as in the areas of freedom of artistic expression and the rights of human rights defenders. She stated that in Serbia and in Kosovo the public relations discourse on human rights must be transformed into cultural reality.[16]

* All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

12. The Working Group on Enforced or Involuntary Disappearances recommended that Serbia develop educational materials that promoted pluralism in order to combat ethnic polarization and ethnic discrimination.[11]

13. The Human Rights Committee recommended that Serbia strengthen measures to eradicate all forms of social stigmatization of and discrimination and violence against persons based on their sexual orientation and gender identity or HIV status and implement a procedure for legal gender recognition.[12] The United Nations country team asserted that, regarding the recommendations made during the previous review on the right to peaceful assembly of lesbian, gay, bisexual, transgender and intersex persons, Belgrade had successfully held annual pride events in three consecutive years (2014-2016).[13]

II. Civil and political rights

1. Right to life, liberty and security of person[14]

14. The United Nations country team referred to abuse of and violence against older persons, including psychological, verbal and emotional abuse, noting that the situation of older persons in rural areas was particularly worrying.[15]

15. The Committee against Torture urged Serbia to promptly implement the legislative measures necessary to harmonize the provisions of the Criminal Code dealing with torture and align them with the definition contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee regretted that the Criminal Code still maintained the statute of limitations in respect of the crime of torture.[16]

16. The same Committee was concerned that overcrowding in correctional facilities remained above 116 per cent, and took note of information about poor detention conditions, particularly in police stations, and insufficient health-care services, including mental health care, in prisons.[17]

17. The Committee was also concerned at information that the judiciary continued to favour incarceration measures and pretrial detention over alternative measures of detention, despite the efforts made by Serbia to encourage the use of less restrictive measures. It remained concerned at the high number of deaths in custody, including suicides, as well as the incidents of inter-prisoner violence.[18]

18. The same Committee noted with concern that a large number of persons with mental and psychosocial disabilities were confined involuntarily in psychiatric institutions and that almost no progress had been made towards deinstitutionalization.[19]

2. Administration of justice, including impunity, and the rule of law[20]

19. The Committee on Economic, Social and Cultural Rights was concerned that the administration of justice was still ineffective, in particular in the context of employment-related claims against companies that had been privatized. It recommended that Serbia take the necessary legal, policy and other measures to ensure the effective and independent functioning of the judiciary as a means of safeguarding the enjoyment of human rights.[21]

20. The Human Rights Committee acknowledged the national judicial reform strategy. It was concerned about the probation period of three years for new judges and about alleged cases of pressure and retribution exercised by politicians and the media on judges, prosecutors, the High Judicial Council and the State Prosecutorial Council. The Committee was also concerned about the remaining backlog of court cases and the delays in the adoption of the draft law on free legal aid. It recommended that Serbia entrench judicial independence, including by ensuring the tenure of new judges and preventing any political interference in the work of the High Judicial Council and the State Prosecutorial Council.[22]

21. The Committee against Torture noted with concern that, of 391 complaints of torture and ill-treatment filed with the Internal Control Department of the police between 2009 and March 2012, only 15 per cent had resulted in disciplinary measures. It was highly concerned at information that a condemnatory judgment had been passed in only 15 per

cent of the criminal cases filed since 2010 and that, in the majority of cases, the complaints were rejected by the prosecutor. It was alarmed by the amendments made to the Criminal Procedure Code in 2013, namely, that in cases of torture falling under article 137 (2) and (3), the prosecutor was no longer under an obligation to conduct an investigation. The Committee urged Serbia to adopt the measures necessary to change the culture of impunity of torture.[19]

22. The Working Group on Enforced or Involuntary Disappearances stated that the lack of a law regulating the status of missing persons and guaranteeing the rights of victims was a significant barrier to the realization of the rights of the relatives of the disappeared.[20] It recommended that Serbia consider introducing the legislative amendments necessary to broaden the definition of victim, as the existing law did not enable the relatives of a disappeared person to be recognized as victims.[21] It also recommended ensuring that reparation was available to all victims of enforced disappearance.[22]

23. The same Working Group recommended, inter alia, that Serbia establish enforced disappearance as a separate offence in accordance with the definition contained in the Declaration on the Protection of All Persons from Enforced Disappearance.[23]

24. The same Working Group stated that, despite impressive results in the past, progress in the search for missing persons in the region had slowed down significantly in recent years.[24] The Committee on Enforced Disappearances recommended that Serbia ensure that all cases of enforced disappearance that might have been committed by agents of Serbia or by persons or groups of persons acting with their authorization, support or acquiescence in the context of past armed conflicts were investigated thoroughly and impartially.[25] The Working Group on Enforced or Involuntary Disappearances recommended that Serbia promulgate a law on access to information and a proper legislative framework on archives, so as to guarantee full access to all information.[26]

25. The Human Rights Committee remained concerned about, inter alia, the low rate of prosecutions for war crimes committed during the armed conflicts, including those committed by middle- and high-ranking officials; the narrow definitions of "victim" under the Law on Civilian Invalids of War and of "injured parties" under the Criminal Procedure Code; the requirement that victims declare the disappeared person dead to obtain compensation; the lack of resources for the Office of the War Crimes Prosecutor; and the alleged pressure exerted by the Government on the office of the Prosecutor.[27]

26. The Working Group on Enforced or Involuntary Disappearances expressed great concern that some alleged perpetrators occupied positions of authority in Kosovo.[28] It recommended that Serbia initiate a vetting process to identify all government officials who had allegedly been involved in the commission of war crimes.[29]

27. The Working Group stated that there was a need to strengthen and systematize support and protection programmes for victims and witnesses.[30] It recommended systematizing the witness protection programmes to ensure they were comprehensive.[31]

28. The Working Group also stated that the obstacles encountered in the determination of the fate and whereabouts of missing persons could be overcome only with full and open regional cooperation and coordination.[32] It recognized that the international community was also responsible for the lack of truth, justice and reparation that relatives continued to face.[33]

29. The Working Group indicated that enforced disappearance had not yet been incorporated as an autonomous crime in the criminal legislation of Kosovo, impunity for war-related crimes had not been eliminated and the judicial system in Kosovo remained weak and lacked efficiency.[34] It recommended, inter alia, that authorities in Kosovo reach an agreement on war crime cases with the Serbian authorities in order to establish an operational protocol on cooperation in the investigation and prosecution of war crimes and immediately open archives relevant to cases of enforced disappearances that took place during and immediately after the 1998-1999 events in Kosovo.[35]

5. Fundamental freedoms and the right to participate in public and political life[45]

35. The United Nations country team noted that cases of assault on human rights defenders continued to be reported.[47] Civil society and media reported an increase in threats.[48] A mainstreaming of measures to protect human rights defenders and to end impunity for abuses of human rights defenders were featured consistently among the highest priorities articulated by civil society and the country's national human rights institution.[49]

36. The United Nations country team indicated that civil society and media had expressed concerns related to a narrowing of the public space owing to, inter alia, the apparent shrinkage of the range and number of independent media outlets, and new authoritarian strains in cultures of governance that had strengthened censorship, including self-censorship.[50] The Human Rights Committee remained concerned about the lack of transparency of media ownership and the ongoing public influence exercised on some media. It recommended that Serbia ensure the transparency of media ownership and the freedom and independence of private media outlets.[51]

37. The Human Rights Committee was concerned about allegations of public officials publicly vilifying and intimidating media workers and about the narrowing space for debate. It recommended that Serbia provide media workers with effective protection from all forms of intimidation and ensure that all cases were duly investigated and perpetrators prosecuted and appropriately sanctioned, and refrain from prosecuting journalists, human rights defenders and other members of civil society as a means of deterring or discouraging them from freely expressing their opinions.[52]

38. The same Committee recommended that Serbia review the application of the Public Assembly Act of 26 January 2016 so as to ensure its compatibility with the Covenant.[53]

6. Prohibition of all forms of slavery[54]

39. The Human Rights Committee was concerned about the presence of national and foreign criminal groups involved in trafficking and their exploitation of the large number of migrants and refugees in Serbia. It was also concerned about the situation of children trafficked or exploited by family members or others. The Committee recommended that Serbia strengthen measures to prevent and combat trafficking in persons, placing a specific focus on migrants and refugees.[55]

40. The Committee on Economic, Social and Cultural Rights urged Serbia to strengthen the monitoring of child labour, in particular by enhancing the Labour Inspectorate, in order to detect and prevent the worst forms of child labour, in particular by street children.[56]

9. Right to privacy and family life[57]

10. The Committee on the Rights of the Child was concerned that there were currently approximately 9,500 persons who had not been registered at birth, with the vast majority declaring themselves as Roma. It was concerned that those people had limited access to the enjoyment of basic rights, including to health care, education and social protection.[58]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[59]

42. The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations urged the Government to take the necessary measures to amend section 167 of the Criminal Code so as to ensure that penalties of imprisonment could not be imposed for peacefully participating in a strike.[60] It requested the Government to take the necessary measures to ensure that legitimate trade union activities did not fall under sections 173-176 of the Criminal Code.[61] The Committee on Economic, Social and Cultural Rights was concerned at the low level of enjoyment by employees in the private sector of their right to form or join trade unions and at the excessive restrictions on the right to strike for public sector employees even if they did not provide "essential services".[62]

38. The Committee on Economic, Social and Cultural Rights remained concerned about the high unemployment rate in Serbia, which disproportionately affected women, persons with disabilities, Roma, internally displaced persons and people living in rural areas. The Committee urged Serbia to intensify its efforts to reduce the unemployment rate through effective measures of active employment policy, including requalification, local employment initiatives, placement incentives and tax benefits for employers, in order to promote the employment of persons from marginalized groups.[63]

39. The same Committee was concerned about the low employment rate of women and the prevalence of gender discrimination in employment.[64] The Committee on the Elimination of Discrimination against Women recommended that Serbia adopt measures to implement the principle of equal pay for work of equal value in order to narrow and close the gender wage gap.[65]

40. The Committee on the Rights of Persons with Disabilities recommended that Serbia review the practice of the application of law to ensure legislation was not disadvantageous for persons with disabilities in terms of employment and labour market participation.[66]

2. Right to an adequate standard of living[67]

41. The Special Rapporteur on adequate housing referred to difficult housing conditions in Serbia and asserted that those conditions and the number of persons affected, combined with the country's uncertain economic future, suggested that Serbia had an urgent housing crisis.[68]

42. The Special Rapporteur also stated that the multiplicity of short-term housing projects developed in parallel suggested a fragmented approach.[69] She was troubled by the apparent lack of effort to establish long-term policies and national institutions to address housing, as a fundamental human right for all, with dedicated national and local budgets.[70]

43. The same Special Rapporteur stated that the deplorable situation of those living in informal settlements should be rectified without delay, including by addressing insecure tenure, the forced eviction of those in informal settlements or without formal rental contracts and the lack of access to public services for those without a registered residence.[71]

44. The Special Rapporteur recommended that Serbia, inter alia, conduct, in concert with local governments, an assessment of national housing needs, adopt a national law on housing that was the result of genuine consultations and the participation of all stakeholders and compliant with international human rights standards, ensure the prohibition of forced evictions and ensure security of tenure for the urban poor, including those living in informal settlements.[72]

45. The same Special Rapporteur stated that courts were reportedly reluctant to invoke and apply international human rights law in Serbia.[73] She underscored the lack of timely and effective mechanisms to challenge violations of the right to housing and to access remedies.[74]

46. The Special Rapporteur referred to relevant legislation on housing in Kosovo, and stated that it was essential that the draft law aimed at replacing the Law on Financing Specific Housing Programmes be aligned with international human rights standards pertaining to housing.[75]

3. Right to health[76]

47. The Committee on the Rights of the Child noted as positive the adoption of a number of policies to improve access to adequate health care. It remained concerned that regional disparities and equity gaps, combined with financial constraints and inadequate health insurance coverage affecting a considerable portion of the rural population and vulnerable groups, continued to hinder access to basic health-care services.[77]

48. The same Committee remained concerned that Roma mothers and young children were particularly vulnerable and continued to have limited access to adequate maternal and general health care, resulting in high mortality rates, early births and low rates of immunization against childhood diseases.[78]

49. While noting as positive the overall decrease in child mortality, the Committee was also seriously concerned that the infant mortality rate in Serbia remained above the European Union average.[79] It remained concerned about high levels of malnutrition affecting the Roma community, with poverty and social isolation further exacerbating the situation.[80]

50. The Committee on the Rights of Persons with Disabilities was concerned about the limited access to health services for persons with disabilities in Serbia, in particular access to sexual and reproductive health.[81] It urged Serbia to repeal the Law on the Protection of Persons with Mental Disabilities, which, inter alia, permitted deprivation of liberty on the basis of impairment, and recommended that Serbia prohibit medical interventions from being made without the prior consent of persons with disabilities.[82]

51. The United Nations country team asserted that sex workers and prostitutes reported barriers in accessing health services, social protection services and protection from violence, as well as biased treatment by police and the judiciary.[83]

4. Right to education[84]

52. The Committee on the Rights of the Child noted as positive efforts made to improve the education system, but remained concerned that the rates of non-attendance and school dropout were high, and that efforts to achieve inclusive education were hindered by, inter alia, regional disparities in available resources and continuing resistance from school staff and parents. The Committee recommended that Serbia develop programmes to reduce dropout rates and provide for the monitoring and evaluation of such programmes.[85]

53. The same Committee remained concerned that the enrolment of children with disabilities was low at all levels of education and "special classrooms" located within mainstream schools still prevailed. It was also concerned that equity gaps continued to prevent children from vulnerable groups, including children with disabilities, migrant and asylum-seeking children, children from rural areas, deprived children and Roma children, from gaining access to quality education.[86]

54. The Committee on the Rights of Persons with Disabilities was concerned that more than half of the children living in residential care institutions were not in education and that few measures had been adopted to provide standardized and regulated transparent protocols relating to individual education plans.[87]

55. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Serbia be encouraged to strengthen its efforts against discrimination in order to promote inclusive education for all children, mainly by increasing its actions to implement the anti-discrimination strategy.[88]

D. Rights of specific persons or groups

1. Women[89]

56. The United Nations country team noted that girls and women in Serbia were still frequently exposed to gender-based violence, such as violence in family and partner relationships, sexual harassment and rape.[90]

57. The United Nations country team noted the adoption in 2016 of a law on the prevention of domestic violence, as well as amendments to provisions of the Criminal Code on rape and related non-consensual sex, stalking, sexual harassment, forced marriage and genital mutilation.[91]

58. The Committee on the Elimination of Discrimination against Women remained concerned about the increasing number of women murdered by their husbands, ex-husbands or partners and the significant disparity among the number of police interventions, the number of criminal charges filed and the number of persons convicted of domestic violence against women. It recommended that Serbia review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women and protecting victims.[92]

59. The United Nations country team stated that deep-rooted stereotypes persisted in Serbia and that there was a recent trend of re-establishing traditional roles and responsibilities of women and men in the family and society, which undermined women's social status, participation in public life and professional careers.[87] The ILO Committee of Experts requested that the Government address the stereotypes and assumptions regarding women's aspirations and capabilities, as well as regarding their suitability for certain jobs, and to promote equal sharing of family responsibilities.[88]

60. The United Nations country team indicated that only 5 per cent of municipal presidents or mayors, and 29 per cent of the councillors in local assemblies, were women.[89] The Committee on Economic, Social and Cultural Rights was concerned about the underrepresentation of women in the national and local government bodies and public sector positions.[90] The United Nations country team indicated that fewer women than men were employed (42 per cent as compared to 58 per cent).[91] The ILO Committee of Experts requested the Government to take the necessary measures to effectively address horizontal and vertical occupational segregation between men and women and promote the participation of women in the labour market in a wider range of occupations, including through awareness-raising and sensitization to overcome gender stereotypes.[92]

2. Children[93]

61. The Committee on the Rights of the Child recommended that Serbia enact a comprehensive children's act and introduce a child rights impact assessment procedure for all new legislation adopted at the national level.[94]

62. Despite the progress made, the same Committee was seriously concerned about the high number of reported cases of violence against children. It urged Serbia to establish legislative and other measures to ensure mandatory compliance with the general protocol on the protection of children from abuse and violence.[95] UNESCO recommended that Serbia be encouraged to further improve education policies against violence, including sexual violence against women and children.[96]

63. The United Nations country team stated that the number of reported cases of violence against children had increased, with children with disabilities reportedly being four times more likely to be victims of violence.[97] It also indicated that corporal punishment in the home was still not legally prohibited in Serbia.[98]

64. The Committee on the Rights of the Child remained concerned that corporal punishment was currently permitted in the home, continued to be widely accepted in society as a means of disciplining children and was not explicitly prohibited in legislation to date. It urged Serbia to explicitly prohibit corporal punishment in legislation.[99]

65. Regarding the prevention of child trafficking and sexual exploitation, the Office of the United Nations High Commissioner for Refugees (UNHCR) stated there was a lack of adequate response by the social welfare system to the needs of asylum-seeking, refugee and migrant children, in particular unaccompanied and separated children.[100] It recommended that the Government strengthen its national system for child protection by ensuring effective guardianship and the implementation of the processes for the best interest assessment and the best interest determination.[101] The ILO Committee of Experts requested the Government to strengthen the capacity of law enforcement agencies so as to ensure that thorough investigations and robust prosecutions of perpetrators of the sale and trafficking of children and commercial sexual exploitation of children were carried out.[102]

66. The Committee on the Rights of the Child remained concerned that the number of children, including children under 3 years of age, placed in formal care was still significant.[103] The Committee on the Rights of Persons with Disabilities was deeply concerned about the number of children with disabilities, especially those with intellectual disabilities, living in institutions.[104]

3. Persons with disabilities[105]

67. The Committee on the Rights of Persons with Disabilities was concerned at the lack of specific actions implemented by Serbia to prevent and combat the multiple and

intersectional discrimination that women and girls with disabilities faced, particularly in access to justice, protection against violence and abuse, education, health and employment.[112]

68. The Committee was also concerned about the lack of a national accessibility strategy or legislation containing effective sanctions for non-compliance with relevant norms and about the low degree of accessibility of public buildings, institutions and services, and electronic mass media services in Serbia. It recommended that Serbia develop a comprehensive accessibility plan, and ensure efficient monitoring of that plan, and a road map that set benchmarks for the removal of barriers.[113]

69. The United Nations country team asserted that 45 per cent of all persons with disabilities older than 15 years of age either had never attended school or had attended only a few classes without completing their primary education.[114] It indicated that less than 1 per cent of pupils had been transferred from "special" to mainstream education.[115] The Special Rapporteur on adequate housing stated that for deinstitutionalization to succeed it must go hand-in-hand with the provision of adequate services, resources and support in the community for both persons with disabilities and their caregivers.[116]

70. The United Nations country team stated that about 91 per cent of persons with disabilities in Serbia were unemployed.[117] The Committee on the Rights of Persons with Disabilities recommended, inter alia, that Serbia review the practice of the application of law to make sure legislation was not disadvantageous for persons with disabilities in terms of employment and labour market participation.[118]

71. The Committee on the Rights of Persons with Disabilities recommended that Serbia increase its efforts to include persons with disabilities in positions of elected representation and public office. It also recommended that Serbia ensure that upcoming elections were inclusive of and accessible to all persons with disabilities.[119]

72. The United Nations country team referred to provisions barring persons lacking legal capacity from standing in an election and recommended that legal provisions allowing for plenary guardianship be abolished, in line with human rights standards.[120] The Committee on the Rights of Persons with Disabilities recommended that Serbia harmonize its legislation with the Convention on the Rights of Persons with Disabilities, with a view to replacing substituted decision-making with supported decision-making regimes that respected the person's autonomy, will and preferences.[121]

4. Minorities and indigenous peoples[122]

73. The United Nations country team indicated that, in 2016, Serbia had amended legislation related to national minorities, but that limited progress had been made in overcoming legacies of language- and ethnicity-based segregation.[123] The Special Rapporteur on adequate housing stated that, while significant steps had been taken to address discrimination against minorities in law and programmes, de facto discrimination continued unabated.[124]

74. The Committee on Economic, Social and Cultural Rights was concerned about the prevailing discrimination against Roma as evidenced, inter alia, by disproportionately high unemployment, limited access to social security, accommodation in informal settlements and inadequate health care and education. It urged Serbia to take further measures to overcome the prevailing discrimination against Roma in the enjoyment of economic, social and cultural rights, including through the revision of the Strategy for Improvement of the Status of Roma.[125] The United Nations country team stated that no Roma had been elected to the Serbian National Assembly in the 2016 elections and that Roma were extremely underrepresented in local and regional representative bodies. It also stated that there appeared to be near-100 per cent exclusion of Roma from work in public institutions.[126]

75. The United Nations country team indicated that the strategy for the social inclusion of Roma for the period 2016-2025 lacked a strong monitoring and evaluation framework, and therefore did not clearly set out what it aimed to achieve for the period.[127]

76. The United Nations country team mentioned some progress on education for Roma but asserted that deep structural problems remained. The system continued to be marked by

racial segregation, with segregation being manifest in mainstream schooling, particularly in urban areas. Romani children who were in preschool were often segregated by being placed in "special groups". The United Nations country team indicated that the Ministry of Education had adopted, in March 2016, a by-law on anti-discrimination.[128]

77. The Special Rapporteur on adequate housing highlighted the disproportionate number of evictions of Roma and the authorities' failure to provide basic services or to guarantee legal security of tenure for residents in settlements, which reflected a stigmatization of and discrimination against Roma.[129]

78. The United Nations country team stated that Romani women and girls faced multisectoral discrimination and heightened barriers to access to services. Early, arranged marriage in some segments of the Roma communities in Serbia remained an issue of concern.[130]

5. Migrants, refugees, asylum seekers and internally displaced persons[131]

79. The ILO Committee of Experts requested the Government to take the necessary measures to collect data, if possible disaggregated by sex and country of origin, on migrant workers engaged in undeclared work. It also requested the Government to take the necessary steps to formulate and implement a national policy on equality of opportunity and treatment with respect to employment and occupation, social security, trade union and cultural rights and individual and collective freedoms.[132]

80. UNHCR indicated that the Asylum Office as currently set up could not process the significant increase in asylum applications.[133] The Committee against Torture was concerned that the human resources of the Asylum Office were insufficient to respond adequately to the growing number of asylum seekers. It recommended that Serbia continue and intensify its efforts to facilitate access to a prompt and fair individualized asylum determination procedure in order to avoid the risk of refoulement.[134]

81. UNHCR underscored that there was an urgent need for short-term measures to improve and expedite the processing of applications, including by establishing a protection-sensitive screening mechanism in order to identify persons with specific needs.[135] It recommended that the Government allow for fair and efficient judicial review of negative asylum decisions.[136]

82. The Human Rights Committee was concerned, inter alia, about the existence of significant obstacles and delays in the process of registering, interviewing and providing identification for asylum seekers and about reported cases of collective and violent expulsions and of the misapplication of the "safe third country" principle, despite concerns regarding conditions in some of those countries. The Committee recommended that Serbia ensure, inter alia, that access to formal procedures for asylum applications was available at all border points and that appropriate protocols were in place for identifying the age of unaccompanied minors.[137]

83. The United Nations country team stated that collective or otherwise arbitrary expulsions from Serbia had been reported in 2016, involving people who had been pushed back shortly after crossing from Bulgaria to Serbia, apprehended by Serbian authorities and forced to return to Bulgarian territory, in some cases with the use of violence.[138]

84. The United Nations country team stated that, after the 1998-1999 conflict, nearly 50,000 persons had found refuge in Serbia and that, as at 2014, there were 23,217 Roma, Ashkali and Balkan-Egyptians officially registered in Serbia as internally displaced persons from Kosovo.[139] It asserted that many of those persons led extremely marginal existences and that a lack of documentation confirming temporary or permanent residency made finding formal employment difficult.[140]

85. The Special Rapporteur on the human rights of internally displaced persons stated that among the most urgent protection needs of internally displaced persons was obtaining documentation to enable them to access basic public services. He called upon the Government of Serbia and authorities in Kosovo to provide internally displaced persons with personal documentation.[141]

86. The same Special Rapporteur recommended that the competent authorities of Serbia, inter alia, continue to provide political will and leadership to attain durable solutions for all internally displaced persons in Serbia; implement local integration pragmatically, while having regard for return and settlement elsewhere; effectively implement the Law on Permanent and Temporary Residence on a holistic basis; and continue to pay special attention to the protection of Roma to address their acute vulnerability.[142]

87. The Special Rapporteur also recommended that the competent authorities in Kosovo, inter alia, provide special protection, security and safety for returning internally displaced persons in their places of origin as well as in places of integration or resettlement; effectively address the issue of property in the context of resolving disputes involving the properties of internally displaced persons, providing effective remedies in relation to such properties, and preventing illegal occupation of the properties of internally displaced persons; and ensure the effective implementation of government policy in order to improve the protection of all internally displaced persons.[143]

6. Stateless persons[144]

88. The United Nations country team stated that there were about 2,400 persons at risk of statelessness in Serbia, of whom several hundred lacked birth registration. An overwhelming proportion of those were Roma.[145]

89. The Special Rapporteur on internally displaced persons indicated that a considerable proportion of Roma internally displaced persons did not have birth certificates.[146] UNHCR stated that Serbia had adopted new legislation that simplified subsequent birth registration and procedures related to registration of residence. It welcomed efforts to find solutions to problems relating to access to late birth registration, which had resulted in a significant decrease in the number of Roma at risk of statelessness in the country.[147]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Serbia are available at www.ohchr.org/EN/Countries/ENACARegion/Pages/RSIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/15, paras. 131.1, 132.1-132.2, 132.12 and 133.1-133.2.
[3] United Nations country team submission for the universal periodic review of Serbia, p. 3.
[4] For relevant recommendations, see A/HRC/23/15, paras. 131.4-131.5, 131.7, 131.9-131.11, 132.2-132.5, 132.15 and 133.5.
[5] See E/C.12/SRB/CO/2, para. 8.
[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15924&LangID=E.
[7] See CRC/C/SRB/CO/2-3, paras. 16-17.
[8] United Nations country team submission, p. 4.
[9] See A/HRC/31/54/Add.2, paras. 63-64.
[10] See A/HRC/30/38/Add.1, para. 32.
[11] For relevant recommendations, see A/HRC/23/15, paras. 131.12-131.13, 132.13-132.14, 132.17, 132.25-132.26, 132.29-132.30, 132.62 and 132.79.
[12] See CCPR/C/SRB/CO/3, paras. 10-11.
[13] See CRC/C/SRB/CO/2-3, paras. 22-23.
[14] United Nations country team submission, pp. 3-4.
[15] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20682&LangID=E.
[16] Ibid.
[17] See A/HRC/30/38/Add.1, para. 118.
[18] See CCPR/C/SRB/CO/3, paras. 12-13. See also United Nations country team submission, p. 11.
[19] United Nations country team submission, p. 5.
[20] For relevant recommendations, see A/HRC/23/15, paras. 131.3-131.4, 131.20, 132.11 and 133.4.
[21] United Nations country team submission, p. 11.
[22] See CAT/C/SRB/CO/2, para. 8.
[23] Ibid., para. 12.
[24] Ibid.
[25] Ibid., para. 18.
[26] For relevant recommendations, see A/HRC/23/15, paras. 131.30, 132.64-132.70 and 132.72-132.73.
[27] See E/C.12/SRB/CO/2, para. 9.

[28] See CCPR/C/SRB/CO/3, paras. 34-35. See also E/C.12/SRB/CO/2, para. 9 and United Nations country team submission, p. 4.
[29] See CAT/C/SRB/CO/2, para. 10.
[30] See A/HRC/30/38/Add.1, paras. 27-28.
[31] Ibid., paras. 30, 99 and 104.
[32] Ibid., paras. 56, 58, 99 and 104.
[33] Ibid., para. 98.
[34] Ibid., para. 8, also paras. 7 and 42. See also CCPR/C/SRB/CO/3, paras. 22-23.
[35] See CED/C/SRB/CO/1, paras. 13-14. See also CAT/C/SRB/CO/2, para. 11.
[36] See A/HRC/30/38/Add.1, para. 110, also paras. 37-38. See also CED/C/SRB/CO/1, paras. 13-14.
[37] See CCPR/C/SRB/CO/3, paras. 22-23. See also CED/C/SRB/CO/1, paras. 13-14.
[38] See A/HRC/30/38/Add.1, para. 77.
[39] Ibid., para. 114.
[40] Ibid., paras. 29-31.
[41] Ibid., para. 103, also para. 39.
[42] Ibid., para. 38, also paras. 54 and 84.
[43] Ibid., para. 83, also para. 69.
[44] Ibid., paras. 56, 59 and 71-73.
[45] Ibid., paras. 121 and 128, also paras. 123, 129, 132 and 136.
[46] For relevant recommendations, see A/HRC/23/15, paras. 131.14-131.19, 132.8, 132.27-132.28, 132.31-132.32, 132.75-132.78, 132.80-132.82, 132.98 and 133.6-133.12.
[47] United Nations country team submission, p. 3.
[48] Ibid., p. 12.
[49] Ibid., p. 3.
[50] Ibid., p. 12.
[51] See CCPR/C/SRB/CO/3, paras. 38-39.
[52] Ibid. See also United Nations country team submission, p. 12.
[53] See CCPR/C/SRB/CO/3, paras. 38-39. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141920,102839,Serbia,2013.
[54] For relevant recommendations, see A/HRC/23/15, paras. 131.22, 132.48 and 132.51-132.53.
[55] See CCPR/C/SRB/CO/3, paras. 30-31. See also E/C.12/SRB/CO/2, para. 25.
[56] See E/C.12/SRB/CO/2, para. 28. See also http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141851,102839,Serbia,2013.
[57] For relevant recommendations, see A/HRC/23/15, paras. 132.8, 132.93 and 132.96.
[58] See CRC/C/SRB/CO/2-3, paras. 30-31.
[59] For relevant recommendations, see A/HRC/23/15, paras. 132.24 and 132.83.
[60] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141920,102839,Serbia.
[61] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3254760,102839,Serbia,2015.
[62] See E/C.12/SRB/CO/2, para. 21.
[63] Ibid., para. 17.
[64] Ibid., para. 16.
[65] See CEDAW/C/SRB/CO/2-3, paras. 30-31.
[66] See CRPD/C/SRB/CO/1, paras. 53-54. See also E/C.12/SRB/CO/2, para. 17.
[67] For the relevant recommendation, see A/HRC/23/15, para. 132.84.
[68] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16005&LangID=E.
[69] See A/HRC/31/54/Add.2, paras. 93-94.
[70] Ibid., para. 97, also paras. 93-94.
[71] Ibid., para. 95, also para. 42.
[72] Ibid., para. 100, also para. 23. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16005&LangID=E.
[73] See A/HRC/31/54/Add.2, para. 59.
[74] Ibid., para. 98, also para. 29.
[75] Ibid., para. 77.
[76] For the relevant recommendation, see A/HRC/23/15, para. 132.24.
[77] See CRC/C/SRB/CO/2-3, paras. 45-46.
[78] Ibid.

[79] Ibid., paras. 26-27.
[80] Ibid., paras. 45-46. See also United Nations country team submission, p. 10.
[81] See CRPD/C/SRB/CO/1, paras. 51-52.
[82] Ibid., paras. 26 and 34.
[83] United Nations country team submission, p. 5.
[84] For relevant recommendations, see A/HRC/23/15, paras. 132.9-132.11, 132.24-132.25, 132.35, 132.47, 132.50, 132.87 and 132.94-132.96.
[85] See CRC/C/SRB/CO/2-3, paras. 54-55.
[86] Ibid.
[87] See CRPD/C/SRB/CO/1, paras. 47-48.
[88] UNESCO submission for the universal periodic review of Serbia, p. 6, also pp. 4-5.
[89] For relevant recommendations, see A/HRC/23/15, paras. 132.18-132.24, 132.33-132.44 and 132.47.
[90] United Nations country team submission, p. 5.
[91] Ibid., p. 4.
[92] See CEDAW/C/SRB/CO/2-3, paras. 22-23.
[93] United Nations country team submission, p. 4.
[94] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3187767,102839,Serbia,2014.
[95] United Nations country team submission, p. 4.
[96] See E/C.12/SRB/CO/2, para. 16. See also United Nations country team submission, p. 4.
[97] United Nations country team submission, p. 4.
[98] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3244362,102839,Serbia,2015.
[99] For relevant recommendations, see A/HRC/23/15, paras. 131.23-131.25, 131.27-131.29, 132.46 and 132.54-132.57.
[100] See CRC/C/SRB/CO/2-3, paras. 6-7.
[101] Ibid., paras. 32-33.
[102] UNESCO submission, p. 6.
[103] United Nations country team submission, p. 10.
[104] Ibid., p. 11.
[105] See CRC/C/SRB/CO/2-3, paras. 36-37.
[106] UNHCR submission for the universal periodic review of Serbia, p. 2.
[107] Ibid., p. 3.
[108] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3141983,102839,Serbia,2013.
[109] See CRC/C/SRB/CO/2-3, paras. 39-40.
[110] See CRPD/C/SRB/CO/1, paras. 13-14.
[111] For relevant recommendations, see A/HRC/23/15, paras. 132.6 and 132.86-132.87.
[112] See CRPD/C/SRB/CO/1, paras. 11-12.
[113] Ibid., paras. 17-18.
[114] United Nations country team submission, p. 9.
[115] Ibid., p. 10.
[116] See A/HRC/31/54/Add.2, para. 51, also para. 101. See also United Nations country team submission, pp. 8-9.
[117] United Nations country team submission, p. 10.
[118] See CRPD/C/SRB/CO/1, para. 54.
[119] Ibid., paras. 59-60.
[120] United Nations country team submission, p. 8.
[121] See CRPD/C/SRB/CO/1, para. 22.
[122] For relevant recommendations, see A/HRC/23/15, paras. 132.88-132.97 and 132.99.
[123] United Nations country team submission, p. 12, also p. 3.
[124] See A/HRC/31/54/Add.2, para. 95.
[125] See E/C.12/SRB/CO/2, para. 12.
[126] United Nations country team submission, p. 6.
[127] Ibid., p. 5.
[128] Ibid., p. 6.
[129] See A/HRC/31/54/Add.2, para. 44.
[130] United Nations country team submission, p. 7.
[131] For relevant recommendations, see A/HRC/23/15, paras. 132.100-132.102.

[132] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3129179,102839,Serbia,2013.
[133] UNHCR submission, p. 4.
[134] See CAT/C/SRB/CO/2, para. 14. See also CCPR/C/SRB/CO/3, paras. 32-33, UNHCR submission, p. 4, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E.
[135] UNHCR submission, p. 4.
[136] Ibid., p. 5.
[137] See CCPR/C/SRB/CO/3, paras. 32-33. See also United Nations country team submission, p. 11.
[138] United Nations country team submission, p. 11.
[139] Ibid., p. 7.
[140] Ibid., p. 7, also p. 12. See also A/HRC/26/33/Add.2, paras. 7-8, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16005&LangID=E.
[141] See A/HRC/26/33/Add.2, paras. 20 and 23.
[142] Ibid., para. 61, also para. 40. See also UNHCR submission, p. 3.
[143] See A/HRC/26/33/Add.2, para. 62. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20514&LangID=E.
[144] For relevant recommendations, see A/HRC/23/15, paras. 132.8, 132.93 and 132.96.
[145] United Nations country team submission, p. 12.
[146] See A/HRC/26/33/Add.2, paras. 19 and 21.
[147] UNHCR submission, pp. 1-2.

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Summary of Stakeholders' submissions on Serbia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 20 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Protector of Citizens of the Republic of Serbia (POR.) stated that in the past period, the state had jeopardized its independence and working conditions, including through a media campaign the highest state officials took part in.[2] POR. asserted that its financial, organizational and functional independence was jeopardized by the imposing of additional administrative procedures, both for the allocation of budgetary funds and the recruitment of new employees.[3] POR. recommended that Serbia adopt amendments to the Law on the POR. to strengthen its mandate and independence and abandon the idea of establishing a special ombudsman for the rights of the child, which would lead to institutional dissipation, but instead strengthen the capacities of the POR. in the field of the rights of the child.[4]

3. POR. asserted that the National Preventive Mechanism for Torture (NPM) had not been strengthened and recommended strengthening its human resources.[5]

4. POR. recommended that Serbia adopt the law governing same-sex partnerships and a law regulating the legal consequences of sex and gender identity adjustment (change), amend the Law on the basics of the education system to explicitly prohibit discrimination

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based on sexual orientation and gender identity and amend the Criminal Code, in order to explicitly criminalize racism and intolerance based on sexual orientation and gender identity."

5. POR considered necessary to change the manner judges were elected in order to ensure their independence.[7] POR stated that the lack of free legal aid was a barrier to the access to justice for the members of vulnerable groups and recommended adopting the Law on Free Legal Aid.[8]

6. POR noted efforts of authorities to improve the treatment of prisoners, although numerous improvements in accommodation conditions needed to be intensified.[9] POR recommended increasing the effectiveness of internal oversight mechanisms in order to contribute to ensuring the respect for the rights of persons deprived of their liberty.[10]

7. POR indicated that pressure on the media was visible in various ways, from open to hidden forms and that it had continuously warned about threats to journalists, the suppression of media freedom, censorship and self-censorship.[11] POR stated the overall environment in Serbia was not suitable for the full exercise of the right to freedom of expression.[12]

8. POR asserted that the new Law on Public Assembly adopted in 2016 limited freedom of assembly, as spatial and temporal restrictions on freedom of assembly envisaged in it were not in accordance with the Constitution.[13]

9. POR stated that the protection of women against violence was not efficient enough.[14] POR recommended that Serbia adopt a National Strategy for the Prevention and Suppression of Domestic Violence and Partnerships and an Action Plan and to ensure measures on violence prevention were taken and a network of services for women victims of violence was put in place.[15]

10. POR recommended that Serbia adopt the Law on Gender Equality in line with international standards, uphold the principle of equal opportunities and increase the representation of women in managerial positions.[16]

11. POR indicated that there was no system in place to prevent and combat the living conditions and work of children on the street.[17] POR asserted that the Law on Public Law and Order did not treat children involved in child begging, prostitution and other forms of exploitation as victims.[18] POR recommended that Serbia ensure children living and working on the street be treated as victims and ensure they improve their conditions through education, provision of health, social protection and access to justice.[19]

12. POR indicated that despite a special Law on the Prevention of Discrimination against Persons with Disabilities was adopted, discrimination based on disability was still one of the most frequent forms of discrimination in Serbia.[20] POR underscored the high rate of unemployment of persons with disabilities as well as their difficulties to exercise their rights to health, insurance, education and pension.[21]

13. POR indicated that there was no effective concept of deinstitutionalization that foresaw creating living conditions of persons with mental and/or intellectual disabilities in the local community.[22] POR recommended, inter alia, to establish an independent monitoring mechanism for the implementation of the Convention on the Rights of Persons with Disabilities, provide a financially sustainable system of services for them, improve the legal framework and implement measures to increase their employment.[23]

14. POR considered necessary to develop preventive measures and activities in order to prevent the growing phenomenon of segregated classes and schools, in which most of the students were Roma, as well as the measures of desegregation.[24] POR asserted that socio-economic status of the Roma national minority required development of institutional capacities and an efficient monitoring and implementation of planned measures and activities.[25]

15. POR highlighted the importance of legal security for the child and of providing his or her registration at birth regardless of the status of the child's mother.[26]

III. Information provided by other stakeholders

A. National human rights framework[15]

16. Council of Europe (CoE) highlighted that the CoE-Commissioner had expressed his concern at reports concerning concerted efforts by certain politicians and some media to cast shadows over the Ombudsman's independence and moral statute and urged the Prime Minister and his government to take all necessary measures to fully safeguard the Serbian Ombudsman's integrity and that of his Office.[16]

17. JS1 noted deficiencies in the Protector of Citizens, including the lack of a child friendly complaint procedure and recommended that Serbia urgently establish a special institute of the child rights protector who, with the handling of complaints as part of its jurisdiction.[17]

18. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) invited Serbian authorities to maintain, and possibly increase, the current level of funding devoted to the National Prevention Mechanism (NPM) within the budget of the Ombudsman's Office and suggested that consideration be given to setting up a separate NPM unit or department within the Ombudsman's Office.[18]

19. The European Commission against Racism and Intolerance (CoE-ECRI) recommended that Serbia give the Commissioner for the Protection of Equality the power to take up issues of discrimination ex officio.[19]

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[20]

20. CoE stated that CoE-Commissioner, while acknowledging the progress made in advancing the rights of LGBTI persons, noted that homophobia and discrimination against them persisted.[21] AI recommended ensuring that the Anti-Discrimination Law and the Commissioner for Discrimination provide LGBTI persons and organizations effective protection and access to effective remedies.[22] XY-Spectrum recommended, inter alia, to include sex characteristics as a specific basis in antidiscrimination legislation.[23]

2. Civil and political rights

Right to life, liberty and security of person[24]

21. CoE-CPT stated that a significant number of allegations of physical ill-treatment of criminal suspects by the police were received.[25]

22. Regarding Serbia's 2012 UPR recommendations on torture[26], BCHR recommended inter alia, that Serbia undertake the necessary measures against impunity for crimes of torture, inhumane and degrading treatment, and that it harmonize the legal torture definition in line with the obligations arising from the Committee Against Torture.[27] CoE-CPT observed shortcomings in relation to the delayed notification of custody, the access to and the poor performance of ex officio lawyers in preventing ill-treatment, and the lack of confidentiality of medical examinations of detained persons.[28]

23. CoE-CPT recommended that the Ministry of the Interior and regional police directorates deliver a strong message that the ill-treatment of detained persons is illegal, unprofessional, and will be the subject of appropriate sanctions.[29] CoE-CPT also recommended that the relevant authorities ensure that an investigation is carried out into every allegation of ill treatment, that senior officers are held accountable for their line-management responsibilities, and that an independent police complaints mechanism is established in the new Law on Police.[30]

Administration of justice, including impunity and the rule of law[43]

24. The Group of States Against Corruption (CoE-GRECO) stated that it would appear that the judiciary and prosecutor services as branches of power are exposed to undue outside influence and pressure exerted by politicians and the media and that another reason for concern with respect to the balance of state powers was the currently low profile of the National Assembly, which did not exercise proactive and meaningful control functions.[44]

25. ICJ stated that despite Serbia accepting UPR recommendations on independence of the judiciary and despite legal reforms undertaken, Serbia's legal framework still allowed the executive and the legislative powers to exercise undue influence on the High Judicial Council (HJC) and the State Prosecutorial Council (SPC).[45]

26. ICJ asserted that the legislative power held an undeniable influence over the appointment and dismissal of judges and prosecutors, thus threatening their independence.[46]

27. ICJ recommended precluding any involvement of the National Assembly in the appointment and dismissal of judges, court presidents, public prosecutors, and deputy public prosecutors and provide that the selection and appointment of court presidents involve the judges of their respective court.[47] GRECO recommended that Serbia continue reforming the system of appraisal of judges' and prosecutors' performance, inter alia, by introducing more qualitative evaluation criteria.[48] ICJ urged for the adoption of constitutional amendments aimed at excluding the representatives of the legislative and executive branch from membership in the HJC and the SPC.[49]

28. ICJ indicated that the cases of political pressure against judges and prosecutors should be strictly investigated and sanctioned and recommended putting in place a codified procedure for the protection of judges and prosecutors from attacks on their independence, autonomy, and professional integrity.[50]

29. AI asserted that impunity persisted in Serbia for crimes under international law as, since the 2013 review, the number of indictments raised by the Office of the War Crimes Prosecutor (OWCP) and prosecutions concluded at the Special War Crimes Chamber at Belgrade District Court had remained low.[51]

30. HRW indicated that despite the war crimes strategy adopted, which sets out criteria for prioritizing cases and commitment to prosecute high-ranking officials suspected of war crimes, progress appeared to have stalled. Between January 2017 and June 2017, the OWCP issued only 1 indictment against 1 person.[52] CoE-ECRI recommended that authorities efficiently implement the Strategy for the Prosecution of War Crimes and publicly acknowledge that the Srebrenica massacres constituted genocide.[53] AI recommended prioritizing the investigation and prosecution of complex cases where commanders or other superiors were suspected of criminal responsibility for crimes under international law.[54]

31. AI highlighted that the OWCP faced considerable challenges in conducting investigations, including little assistance from the War Crimes Investigation Service, threats from former police officials, and concerns about the capacity of the Witness Protection Unit.[55] CoE indicated that CoE-Commissioner highlighted the need to provide the OWCP with all necessary resources, reinforce the witness protection system and effectively investigate and prosecute all reported cases of threats and intimidation of witnesses.[56]

32. CoE-CPT asserted that the decrease of the overall prison population was mainly related to the enforcement of the 2012 Law on Amnesty rather than to a more frequent recourse to the available alternative measures of detention.[57] CoE-CPT stressed the importance of confidential medical examinations of inmates and accurate recording of injuries in prisons in order to demonstrate increased resolve in tackling ill-treatment of inmates by staff.[58] CoE-CPT provided recommendations regarding inter alia, the improvement of psychological and psychiatric care for inmates and the removal of obstacles to access to specialised care for remand and sentenced prisoners.[59]

33. The Office for Democratic Institutions and Human Rights (OSCE-ODIHR) stated its election assessment mission April 2017 concluded that contestants for the presidential election were able to campaign freely. However, the campaign was dominated by the

candidate from the governing coalition, who benefited from the effectively blurred distinction between campaign and official activities. Unbalanced media coverage and credible allegations of pressure on voters and employees of state-affiliated structures and a misuse of administrative resources tilted the playing field. Regulatory and oversight mechanisms were not effectively utilized to safeguard the fairness of competition.[80]

Fundamental freedoms and the right to participate in public and political life[81]

34. CoE-ECRI was highly concerned about a continued rise in hate speech in Serbian public discourse, which was amplified by wide media coverage. Politicians and the media used inflammatory, pejorative and nationalistic language and regional tensions in the area of former Yugoslavia had risen sharply.[82] CoE-ECRI stated the application of the legislation against hate speech and violent hate crime was inefficient.[83]

35. CoE-ECRI asserted that despite progress achieved, incitement to hatred against groups living outside Serbia was not punishable under the Criminal Code, participation in the activities of racist groups was also not always punishable and public authorities were not placed under a positive duty to promote equality.[84] CoE stated that CoE-Commissioner had stressed the need to impose adequate, dissuasive sanctions for all hate crimes in order to prevent recurrence.[85]

36. AI stated that Serbia had failed to fully implement legislation introduced in 2012 to ensure the identification, investigation and prosecution of hate crimes and recommended ensuring that police, prosecutors and judiciary are fully aware of their responsibilities in this regard.[86]

37. CoE-ECRI recommended that the parliament and government adopt codes of conduct prohibiting hate speech, authorities develop a strategy on combating cyber hate speech and reinforce (self-) regulation of media in order to prevent hate speech.[87]

38. JS5 stated that despite commitments on 2012-UPR recommendations on freedom of association, civil society organizations and activists in Serbia continued to be subject to smear campaigns and attacks.[88]

39. JS5 recommended that Serbia take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures which unwarrantedly limited the right to association.[89]

40. JS4 stated that the situation of human rights defenders in Serbia was deteriorating. Attacks on activists had been rising steadily since 2014, with failure of state authorities to respond to these attacks.[90] AI referred to the shrinking space for human rights defenders in Serbia and to its concern about frequently reported physical and verbal attacks against them, including misogynistic and discriminatory smear campaigns against women human rights defenders.[91]

41. JS5 stated that none of the five 2012-UPR recommendations on human rights defenders were implemented.[92] It asserted that Serbia had failed to take adequate measures to safeguard these rights highlighting intimidation, attacks and harassment of human rights defenders and journalists who reported on sensitive issues, including LGBTI rights, transitional justice, corruption or government accountability.[93] JS5 recommended, inter alia, that Serbia conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offenses to justice.[94]

42. JS4 recommended that Serbia end impunity of attacks on activists, that the government limit its influence on media and that it end the defamation campaign against activists and organizations who are critical towards authorities.[95] JS5 recommended that senior government officials should publicly condemn instances of harassment and intimidation of civil society activists and journalists.[96]

43. JS5 stated the government had not taken effective measures to fully implement 2012-UPR recommendations on freedom of expression and access to information, underscoring that in practice, independent journalists and media outlets who questioned state policies continued to face a number of arbitrary restrictions and persecution.[97] CoE

underscored that the CoE-Commissioner had stated that acts of violence against journalists continued to affect their freedom of expression.[79]

44. JS5 asserted that journalists in Serbia continued to be subjected to harassment, intimidation, threats and physical attacks, forcing some to resort to self-censorship to avoid reprisals.[80] HRW indicated attacks to journalists came as a result of reporting on sensitive issues including war crimes and government corruption with weak state response, despite accepted recommendations from Serbia's previous UPR.[81] CoE highlighted that the CoE-Commissioner called on Serbian authorities to live up to their positive obligation to initiate effective investigations in all cases of physical violence or verbal threats against journalists.[82]

45. AI stated that under the present Prime Minister, government interference in the media had intensified and become personalized through public attacks by members of the government on independent journalists critical of the government or conducting investigations into government activities.[83] HRW recommended that Serbia publicly and unequivocally condemn all attacks against journalists and media outlets carried out in retaliation for their work.[84]

46. JS5 underscored that in 2014, a set of new media laws was approved which mandated media plurality but in practice, however, the process of privatisation of media had led to increasing concentration of ownership of local media.[85] AI recommended that Serbia support editorial independence and pluralism in the media, including through greater transparency on advertising and other revenues.[86]

47. JS5 stated that Law on access to public information was not fully in line with European standards and should be further strengthened to ensure enforcement of the decisions of the Commissioner for Free Access to Public Information of Public Importance, who oversees the implementation of the law, including in cases where journalists and individual's requests related to corruption or where high ranked government officials were implicated.[87]

48. JS5 recommended that Serbia amend the 2016 Public Assemblies Law in order to fully guarantee the right to freedom of assembly, in particular regarding restrictions on the place of assemblies, justifications for banning and prohibiting assemblies, and in order to provide a recourse for judicial review and effective remedy in cases of unlawful denial of this right.[88]

Prohibition of all forms of slavery[89]

49. JS1 stated that the highest percentage of identified victims of human trafficking in Serbia were its citizens, mainly being exploited internally, with a high percentage of children.[90] JS1 stated in the past few years, the number of reports of suspected human trafficking among migrants and refugees had increased.[91]

50. The Group or Experts on Action against Trafficking in Human Beings (CoE-GRETA) urged authorities to take further steps to ensure that all victims of trafficking were properly identified and that they pursue a proactive approach to the identification of victims of trafficking for labour exploitation by encouraging labour inspection in the sectors most at risk.[92]

51. JS1 indicated trafficking in children was a criminal offence but not the sale of children per se, and that a new Strategy and Action Plan for the Prevention and Combating Trafficking in Human Beings and Protection of Victims had not yet been adopted.[93] JS1 recommended that Serbia adopt without delay this strategy and criminalise the sale of children.[94]

52. JS1 recommended to actively protect the identity and safety of victim-witnesses of trafficking.[95]

Right to privacy and family life[96]

53. BCHR indicated that relevant authorities had not adopted an action plan for the implementation of the Personal Data Protection Strategy enacted in mid-2010, that

numerous provisions of other laws adopted before the Personal Data Protection Act had not been aligned with it and that major problems in personal data protection had arisen due to the lack of regulations on specific areas, such as video surveillance, direct marketing, security checks and processing of biometric data.[96] BCHR recommended that Serbia enact a new Personal Data Protection Act that will rely on the European Union regulation and take all required measures to ensure the enjoyment and protection of the right to privacy.[97]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[98]

54. BCHR indicated that the amendments to the Labour Act in 2014 was done without an appropriate public debate and recommended involving all social partners in all phases when amending the organic laws governing a set of citizens' rights.[99]

55. BCHR questioned the legal definition on the right to strike included in the current Act on Strikes and recommended adopting a new Act on Strikes with the full participation of social partners in its preparation.[100]

Right to social security[101]

56. BCHR asserted that in late 2014, two laws that reduced earnings of public sector employees and pensions were adopted, which caused further impoverishment of the citizens of Serbia, and recommended repealing the Law on Temporary Regulation on the Manner of Pension Payments.[102]

Right to education[103]

57. JS1 underscored that children from remote villages, underdeveloped municipalities and rural areas had a very difficult access to preschool education, while education of children with disabilities did not progress at the desired pace.[104] It recommended that Serbia consistently implement the policy of inclusive approach to education, without exception and improve the prevention of early school drop-out of vulnerable groups of children.[105]

4. Rights of specific persons or groups

Women[106]

58. JS4 underscored the high number of women murdered in the context of domestic and intimate partner violence. It asserted that the State had no system for monitoring and analysing this phenomenon, a new National Strategy to prevent all forms of violence against women 2016-2020 had not been adopted, and a systematic approach to combatting stereotypes and discrimination of women, promotion of gender equality and elimination of all forms of violence against women and girls in the education system, had not been established.[107]

59. CoE pointed out the CoE-Commissioner called on the authorities to ensure that all acts of violence against women, including domestic violence, are effectively investigated and prosecuted.[108] JS4 recommended inter alia, that Serbia completely harmonise criminal legislation with EU standards, increase security of women against gender-based violence, and ensure effective and accessible legal protection and psychosocial support for victims.[109]

60. JS4 indicated that there were municipalities which had not established equality mechanisms.[110] JS4 recommended that Serbia establish functional mechanisms to implement and monitor the implementation of policies for combating discrimination and gender equality and ensure participation of civil society organisations, particularly women's organisations, in working groups for drafting laws, strategic and action plans.[111]

61. KROS stated that Romani women and girls faced multi-sectoral discrimination and referred to early, arranged marriage and its social consequences, as well as to the exclusion of Roma girls from the education system, resulting in their exclusion from the labour market.[112]

Children[113]

62. GIEACPC stated that while the Government had accepted several 2012-UPR recommendations on prohibiting corporal punishment in all settings, the Law on Prevention of Domestic Violence 2016 was enacted without addressing the issue of corporal punishment, and corporal punishment remained lawful in the home, alternative care and non-educational day care settings.[114]

63. JS4 stated that there was no efficient monitoring of cases in which children were direct victims of violence, and that the practice of Centres for Social Welfare of moving children into foster care without previously providing them with judicial protection continued.[115]

64. ECPAT-International recommended that Serbia define and criminalise "child pornography", in line with the definitions contained in the international and regional legal instruments, define and criminalise "virtual child pornography", and establish extraterritorial jurisdiction in those cases where the alleged offender is a habitual resident in Serbia and has allegedly committed an offence abroad.[116]

65. ECPAT-INTERNATIONAL also recommended, inter alia, that the Law on Special Measures for the Prevention of Crimes against Sexual Freedoms Involving Minors be amended to place greater restrictions on access to data in the register.[117] JS4 recommended that Serbia amend criminal legislation in order to enhance the rights of the juvenile victims, improve their protection and regulate individual responsibility of professionals in cases of failure to protect the child.[118]

66. JS1 recommended that Serbia take measures to ensure that the new Constitution of the Republic of Serbia contains general guarantees of the rights of the child and the general principles of the Convention on the Rights of the Child and that it adopt the systemic law on the rights of the child.[119]

Persons with disabilities[120]

67. MDRI-S stated that despite the government's efforts and on-going reforms, institutionalization of persons with mental disabilities remained dominant "service" offered by the state.[121] CoE stated the CoE-Commissioner called on authorities to draw up and implement, with the active involvement of persons with disabilities, a comprehensive and ambitious plan that should be based on a policy of zero admission to institutions and their replacement with community-based services.[122]

68. PIN indicated discrimination towards people with intellectual and psychosocial disabilities persisted on the labour market.[123]

69. MDRI-S stated that women with disabilities in residential and psychiatric institutions were at increased risk of abuse, sexual assaults, rape by other clients and/or staff.[124] MDRI-S recommended that Serbia prohibit administration of contraceptives and abortions without informed consent of women with disabilities and develop functional and meaningful complaint mechanisms and measures for protection from institutional violence.[125]

70. HRW recommended that Serbia, protect children and young people with disabilities in institutions from harm and abuse, and ensure persons with disabilities enjoy their right to health, including their right to free and informed consent to medical treatment.[126]

71. CoE stated the CoE-Commisioner expressed concern that persons with disabilities in Serbia may be fully deprived of legal capacity and called on the authorities to fully and effectively align relevant domestic law and practice with international standards.[127] CIL-Serbia recommended, inter alia, that Serbia make all polling stations physically accessible for people with disabilities and abolish the Constitutional norm that prevents persons deprived of legal capacity from enjoying voting rights.[128]

72. MDRI-S recommended that Serbia adjust and harmonize the legislation and practice that will ensure that deprivation of legal capacity is not used as a basis for deprivation of liberty of persons with mental disabilities.[129]

Minorities and indigenous peoples[130]

73. CoE-Advisory Committee Protection of Minorities noted commendable legislative provisions on the rights of persons belonging to national minorities, but indicated however, that a comprehensive and strategic approach to the integration of national minorities in Serbian society was still lacking. Xenophobia and religious intolerance remained present and racist attacks against persons belonging to national minorities had occurred.[131]

74. It recommended that Serbia promote the effective participation of national minorities, in electoral processes and address their underrepresentation in public administration.[132] It also recommended that Serbia revise the Law on National Councils of National Minorities, in order to ensure the effective participation of persons belonging to national minorities in all matters concerning them.[133]

75. Regarding 2012-UPR recommendations on non-discrimination against Roma, JS2 stated that Roma were still often discriminated and subjected to discriminatory practices, mostly in cases related to employment, education and housing.[134] CoE-ECRI stated that violence against Roma was recurrent.[135] ERRC recommended that Serbia publicly condemn and sanction all forms and instances of discrimination based on ethnicity by public and/or private actors, in particular those targeting Roma community and to eradicate all forms of spatial segregation and ghettoization and ensure equal treatment and access to services for Roma communities in Serbia.[136]

76. JS3 stated that despite positive steps, actions to address discrimination against Roma stemming from 2012-UPR recommendations were not fully implemented, and recommended enhancing the inclusion of Roma in the process of the implementation and monitoring of the Strategy for the Social Inclusion of Roma 2016-2025 and provide this strategy with sufficient technical and financial resources.[137]

77. KROS highlighted that there appeared to be a near 100% exclusion of Roma from work in public institutions.[138] KROS underscored Roma were extremely underrepresented in the National Assembly and in local and regional representative bodies.[139]

78. JS3 referred to informal Roma settlements with dire living conditions and constant threat from forced evictions.[140] JS3 recommended that Serbia provide Roma in informal settlements with access to basic infrastructure and services, provide Roma with the security of tenure in all cases, and ensure that evictions of informal Roma settlements are not conducted before all other alternatives are being exhausted and the affected community consulted and provided with alternatives.[141]

79. JS3 asserted that various forms of discrimination in education were the main factor that threatened the rights of members of the Roma community in the field of education.[142] ERRC asserted primary school completion rate for Roma children was considerably lower (63%) than for non-Roma children (94.5%).[143] JS3 indicated that although in the past period some progress had been achieved, the share of Roma children in special education schools was still far too high, and there was still a very widely implemented practice of transferring Roma children from ordinary schools to special education schools.[144]

80. JS3 recommended that Serbia introduce measures aimed at desegregation of Roma children from schools and provide them with the good quality education, on non-discriminatory basis, and that Serbia assess the situation of Roma enrolled in so-called "special education" schools and provide them with the immediate transfer to regular schools, additional educational support.[145]

81. JS1 asserted there was pronounced ethnic distance, intolerance and prejudice deeply rooted in the value system of children and young people.[146] JS1 recommended that Serbia, inter alia incorporate contents and programs on the culture of nations living in Serbia, values of intercultural society, tolerance and peaceful coexistence within the regular curriculum, at all levels of education and for all children.[147]

Migrants, refugees, asylum seekers and internally displaced persons[148]

82. AI explained that since 2013, tens of thousands of refugees had travelled through Serbia, most of them intending to seek international protection in the European Union.[149]

BCHR asserted that since 2015, Serbia had started to provide humanitarian accommodation to migrants without making efforts to establish the legal status of these people.[150] HRW asserted that despite Serbia's acceptance of a relevant 2012-UPR recommendation, in 2016 it only granted refugee status to 19 asylum seekers and as of June 9, 2017 it had not granted anyone the status of a refugee, with thousands of pending claims.[151]

83. AI affirmed that in April 2017, the Military Security Agency claimed that Serbian military personnel deployed to the border had, since mid-2016, prevented entry or returned "tens of thousands" of refugees and migrants at the Macedonian and Bulgarian borders, violating the principle of *non-refoulement*.[152] AI recommended that Serbia refrain from unlawful push-backs and the use of excessive force.[153]

84. BCHR recommended inter alia, that Serbia determine the status of every foreigner in the territory and take legal steps accordingly, apply the *non-refoulement* principle, ensure efficiency of the legal remedy in the asylum procedure and establish an efficient and coordinated system for integration of refugees into society.[154] HRW recommended, inter alia, that Serbia: issue a clear guidance to police officers that they should treat asylum seekers and migrants with respect and in a manner consistent with Serbia's human rights obligations.[155]

85. AI recommended ensuring that the proposed Law on Asylum includes binding timescales for procedures, including registration, issuance of identity cards, applications and interviews for individual determination procedures, and appeals.[156]

86. HRW indicated that Serbia lacked formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults instead of receiving child protection.[157] JS1 recommended that Serbia ensure preliminary identification and registration of all children in the first contact, regardless of whether they are asylum seekers, refugees or migrants and establish a human and dignified age assessment system.[158]

Stateless persons[159]

87. JS2 stated that the groups most at risk of statelessness were those who were not registered in the birth registry, persons of undetermined nationality, and persons who were registered in the registry books that were lost or unavailable.[160] ERRC highlighted the lack of birth registration documents for many Roma in Serbia, stemming from social exclusion, discrimination and forced movement in the 1990s and recommended that Serbia amend the Law on Registries to ensure that all births are registered immediately.[161]

88. JS3 affirmed there was still no legally binding instrument that would provide Roma children born from undocumented mother to be registered in birth registry books immediately after birth.[162] JS2 recommended that Serbia carry out necessary measures, including legislative amendments, to ensure that all children born in Serbia have access to timely birth registration immediately after birth without discrimination and regardless of the legal or documentation status of their parents.[163]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
BCHR	Belgrade Center for Human Rights, Belgrade (Serbia);
CIL-Serbia	Center for Independent Living Serbia, Belgrade (Serbia);
ECPAT International	ECPAT International, Bangkok, Thailand;
ERRC	European Roma Rights Centre, Budhapest (Hungary);
GIEACPC	Global Initiative to End all Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern

	Ireland).
HRW	Human Rights Watch, New York (United States of America).
ICJ	International Commission of Jurists, Geneva (Switzerland).
KROS	Coalition of Serbian Roma Youth, Belgrade (Serbia).
MDRI-S	Mental Disability Rights Initiative – Serbia, Belgrade (Serbia).
PIN	People in Need, Prague (Czechia).
XY-Spectrum	XY Spectrum, Belgrade (Serbia).

Joint submissions:

JS1	**Joint submission 1 submitted by**: Coalition for Monitoring Child Rights in Serbia, Child Rights Centre, Uzice Child Rights Centre, ASTRA - Anti-trafficking Action, Belgrade Centre for Human Rights, with the written comments, contributions and/or support from the members of the Network of Organisations for Children: Praxis, Society for Development of Children and Youth "Open Club", Play, EduLink, Group for Children and Youth "Indigo", Foundation SOS Children's Village Serbia, Association for Helping Children with Special Needs, Our dreams, Centre for Work with Children, Youth and Family "Vrdnicak", Friends of Children of Serbia, Association of Citizens "Kokoro" - Bor, Initiative for inclusion VelikiMali, CA Parent from Sombor, Centre for the Production of Knowledge and Skills, Belgrade (Serbia).
JS2	**Joint submission 2 submitted by**: Praxis, Institute on Statelessness, European Network on Statelessness and European Roma Rights Centre.
JS3	**Joint submission 3 submitted by**: YUCOM (Lawyer's Committee for Human Rights), CHRIS (Network of Committees for Human Rights in Serbia), and NGO Equality.
JS4	**Joint submission 4 submitted by**: Women in Black (WB), Autonomous Women's Centre (AWC), and Astra-anti trafficking action.
JS5	**Joint submission 5 submitted by**: CIVICUS World Alliance for Citizen Participation, Human rights House Belgrade (Lawyer's Committee for Human Rights, Belgrade Center for Human Rights, Civic Initiatives, Helsinski Committee for Human Rights and Policy Center) and Human Rights House Foundation.

National human rights institution:

PoC	Protector of Citizens of the Republic of Serbia* Belgrade (Serbia).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France). **Attachments** CoE-CPT, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 26 May to 5 June 2015. CoE-Commissioner, Commissioner for Human Rights of the Council of Europe, Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, following his visit to Serbia from 16 to 20 March 2015. CoE-ECRI, European Commission against Racism and Intolerance (ECRI), Ecri Report on Serbia (fifth monitoring cycle), adopted on 22 March 2017, published on 16 May 2017. CoE-GRECO, Group of States against Corruption, Council of Europe, Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Evaluation report – Serbia, adopted by GRECO at its 68th Plenary Meeting (Strasbourg, 15-19 June 2015).

	CoE-GRETA, Group of Experts on Action against Trafficking in Human Beings, Council of Europe. Report concerning the implementation of the Council of Europe convention on Action against Trafficking in Human Beings by Serbia, first evaluation round, adopted on 8 November 2013, Published on 16 January 2014. CoE-Protection of Minorities, Advisory Committee on the Framework Convention for the Protection of National Minorities, Council of Europe. Third Opinion on Serbia, adopted on 28 November 2013. CoE-Regional or Minority Languages, European Charter for Regional or Minority Languages. Application of the Charter in Serbia, 3rd Monitoring Cycle, Report of the Committee of Experts on the Charter (adopted on 4 November 2015) and Recomm3endation of the Committee of Minister of the Council of Europe on the application of the Charter by Serbia (adopted on 27 April 2016). CoE-Venice Commission, European Commission for Democracy through Law (Venice Commission), Opinion on the Draft Amendments to the Law on the High Judicial Council of Serbia, adopted by the Venice Commission at its 100th Plenary Session, Rome, 10-11 October 2014.
OSCE/ODIHR	Office for Democratic Institutions and Human Rights - Organization for Security and Cooperation in Europe

[2] POC, p. 2.
[3] POC, pp. 2 and 3.
[4] POC, p. 3.
[5] POC, p. 3.
[6] POC, p. 4.
[7] POC, p. 7.
[8] POC, p. 7.
[9] POC, p. 7.
[10] POC, p. 7.
[11] POC, p. 8.
[12] POC, p. 8.
[13] POC, p. 8.
[14] POC, p. 3.
[15] POC, p. 4.
[16] POC, p. 4.
[17] POC, p. 4.
[18] POC, p. 4.
[19] POC, p. 5.
[20] POC, p. 6.
[21] POC, p. 6.
[22] POC, p. 6.
[23] POC, p. 6.
[24] POC, p. 5.
[25] POC, p. 6.
[26] POC, p. 6.
[27] For relevant recommendations, A/HRC/23/15/Add.1, paras. 131.4, 131.5, 131.7, 131.9-131.11, 132.2-132.5, 132.15, and 133.5.
[28] CoE, p. 4.
[29] JS1, pp. 3 and 4.
[30] CoE-CPT, p. 13.
[31] CoE-ECRI, p. 10.
[32] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.12, 131.13, 132.13, 132.14, 132.17, 132.25, 132.26, 132.29, 132.30, 132.62, 132.79.
[33] CoE, p. 3. See also: CoE-ECRI, pp. 9 and 10.
[34] AI, pp. 1 and 10.
[35] XY Spectrum, pp. 1-4.
[36] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.3, 131.4, 131.20, 132.11, and 133.4.

[37] CoE-CPT, p. 6.
[38] Recommendation 133.3 (Tunisia), 133.4 (Costa Rica).
[39] BCHR, p. 2.
[40] CoE-CPT, p. 6.
[41] CoE-CPT, p. 17.
[42] CoE-CPT, pp. 17 and 18.
[43] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.30, 132.64-132.70, 132.72, and 132.73.
[44] CoE-GRECO, p. 5.
[45] ICJ, p. 3. See also: GRECO, p. 5.
[46] ICJ, pp. 1 and 2.
[47] ICJ, p. 5. See also: CoE-GRECO, p. 5, and European Commission for Democracy through Law (Venice Commission), p. 14.
[48] GRECO, p. 5.
[49] ICJ, p. 4.
[50] ICJ, pp. 5 and 6.
[51] AI, p. 5. See also: CoE-ECRI, p. 10.
[52] HRW, p. 2. See also: AI, pp. 5 and 6 and CoE-ECRI, p. 10.
[53] CoE-ECRI, p. 10.
[54] AI, p. 10. See also: CoE., p. 2 and HRW, p. 3.
[55] AI, p. 5. See also: HRW, p. 2.
[56] CoE., p. 2. See also: AI, p. 5 and HRW, p. 2.
[57] CoE-CPT, p. 6.
[58] CoE-CPT, p. 6.
[59] CoE-CPT, p. 7.
[60] OSCE-ODIHR, p. 2.
[61] For relevant recommendations, see /HRC/23/15/Add.1, paras. 131.14-131.19, 132.8, 132.27, 132.28, 132.31, 132.32, 132.75-132.78, 132.80-132.82, 132.98, 133.6, 133.7, and 133.8-133.12.
[62] CoE-ECRI, p. 9.
[63] CoE-ECRI, pp. 9 and 10.
[64] CoE-ECRI, p. 9.
[65] CoE., p. 3.
[66] AI, pp. 4 and 10.
[67] CoE-ECRI, p. 10.
[68] JS5, p. 3.
[69] JS5, p. 12.
[70] JS4, p. 1.
[71] AI, p. 3.
[72] JS5, p. 5.
[73] JS5, p. 5. See also: JS4, p. 1, AI, p. 3 and JS4, p. 1.
[74] JS5, p. 12.
[75] JS4, p. 2.
[76] JS5, p. 12.
[77] JS5, p. 8.
[78] CoE., p. 3.
[79] JS5, pp. 6, 8 and 9. See also: AI, pp. 1 and 2.
[80] HRW, p. 4.
[81] CoE., p. 3. See also: JS5, p. 13 and HRW, p. 4.
[82] AI, p. 2. See also: HRW, p. 3, AI, p. 10 and CoE., p. 3.
[83] HRW, p. 4.
[84] JS5, p. 8.
[85] AI, p. 10.
[86] JS5, p. 10.
[87] JS5, p. 13.
[88] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 131.22, 132.48, and 132.51-132.53.
[89] JS4, p. 12.
[90] JS1, p. 12.
[91] CoE-GRETA, p. 6. See also: JS4, pp. 12 and14 and JS1, p. 12.
[92] JS1, p. 13. See also: JS4, p. 14.
[93] JS1, p. 13. See also: JS4, p. 14.
[94] JS4, p. 14.
[95] For relevant recommendations, see A/HRC/23/15/Add.1, paras.132.8, 132.93 and 32.96.

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[175] HRW, p. 1.
[176] AI, p. 8.
[177] AI, p. 10.
[178] HCHR, p. 5.
[179] HRW, pp. 1 and 2. See also: AI, pp. 9 and 10.
[180] AI, p. 10.
[181] HRW, p. 2.
[182] JS1, p. 6. See also: HRW, pp. 1 and 2.
[183] For relevant recommendations, see A/HRC/23/15/Add.1, paras. 132.8, 132.9, and 132.46.
[184] JS2, pp. 3 and 6.
[185] UNHC, p. 6.
[186] JS3, p. 9. See also: JS2, p. 5.
[187] JS2, pp. 3 and 4. See also: JS3, p. 10.